



AGENDA

CORTE MADERA TOWN COUNCIL
AND SANITARY DISTRICT NO. 2 BOARD
TOWN HALL COUNCIL CHAMBERS
300 TAMALPAIS DRIVE
TUESDAY, OCTOBER 4, 2016
6:30 P.M.

6:30pm - CLOSED SESSION

I. PUBLIC EMPLOYEE APPOINTMENT

Closed Session Pursuant to Cal. Gov't Code Section 54957

Title: Town Attorney

II. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Closed Session Pursuant to Cal. Gov't Code Section 54956.9(d)(1)

Name of case: Larson v. Town of Corte Madera, et al., MCSC Case No.CIV1602760

1. 7:30pm: OPEN SESSION

I. CALL TO ORDER, ROLL CALL AND SALUTE TO THE FLAG

II. REPORT OUT OF CLOSED SESSION

2. OPEN TIME FOR PUBLIC DISCUSSION

Please confine your comments during this portion of the agenda to matters not already on this agenda. Speakers will be limited to three (3) minutes unless otherwise specified by the Mayor or the Presiding Officer.

The public will be given an opportunity to speak on each agenda item at the time it is called. The Council may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Council, no further comment from the public will be permitted unless authorized by the Mayor or the council and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Council or as otherwise limited by order of the Mayor or Council.

3. PRESENTATIONS

- 3.1. Acknowledgement And Celebration Of Pauline Angleman's 108th Birthday
(Ms. Angleman will be presented with a certificate and cake)

4. TOWN MANAGER AND COUNCIL REPORTS

- Town Manager Report, Including Fire Shared Services Update
- Director of Planning & Building Report on Corte Madera Inn Rebuild Project Review Process
- Council Reports

5. CONSENT CALENDAR

The purpose of the Consent Calendar is to group items together which are routine or have been discussed previously and do not require further discussion. They will be approved by a single motion. Any member of the Town Council, Town Staff, or the Public may request removal of an item for discussion. Rescheduling of the item(s) will be at the discretion of the Mayor and Town Council.

- 5.I. Waive Further Reading And Authorize Introduction And/Or Adoption Of Ordinances And Resolutions By Title Only

This item contains standard language authorizing Town Council to introduce and/or adopt Resolutions and Ordinances by Title only and waive further reading.

- 5.II. Second Reading And Adoption Of Ordinance No. 957 Changing Election Date From November Of Odd-Numbered Years To June Of Even-Numbered Years
(Report from Rebecca Vaughn, Town Clerk)

Documents:

[5.II SECOND READING AND ADOPTION OF ORDINANCE 957.PDF](#)

- 5.III. Adopt Resolution 42/2016 Appointing A Representative And Alternate To The Marin Emergency Radio Authority Board Of Directors
(Report from Rebecca Vaughn, Town Clerk)

Documents:

[5.III APPOINTMENTS TO MERA AND HSWM JPA.PDF](#)

- 5.IV. Adoption And Ratification Of A Report Regarding Measures Taken To Alleviate Conditions Leading To The Urgency Ordinance No 954 (Development Moratorium For Tamal Vista Boulevard Corridor)

(Report from Adam Wolff, Director of Planning and Building)

Documents:

[5.IV REPORT ON INTERIM URGENCY ORDINANCE TAMAL VISTA CORRIDOR.PDF](#)

- 5.V. Approve Warrants And Payroll For The Period 9/15/16 Through _9/28/16:
Warrant Check Numbers 214484 through 214608, Payroll Check Numbers 5306 through 5320, Payroll Direct Deposit Numbers 30453 through 30579, and Payroll Wire Transfer Numbers 2062 through 2069

(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

Documents:

6. PUBLIC HEARINGS

6.I. New Mixed Use Zoning District –

Consideration and Possible Adoption of the following: (1) Resolution Adopting a Negative Declaration Pursuant to CEQA Guidelines Section 15074; (2) Introduction of a Zoning Ordinance Creating a New Mixed-Use Zoning District MX-1 and Rezoning Seven Properties Along the East Side of Tamal Vista Boulevard Between Madera Boulevard and Wornum Drive from C-3 and Public/Semi Public Facilities to MX-1; and (3) Adoption of a Resolution Approving General Plan Amendments Changing the Land Use Designation for 75 Tamal Vista Boulevard from Public/Semi Public Facilities to Mixed-Use Commercial and Adding MX-1 to the List of Applicable Zoning Districts in the Mixed-Use Commercial Land Use Designation.

(Report from Adam Wolff, Director of Planning and Building)

Documents:

[6.I INTRODUCTION OF ORDINANCE NEW MIXED USE ZONING DISTRICT TAMAL VISTA CORRIDOR.PDF](#)

7. BUSINESS ITEMS

7.I. Discussion And Possible Direction To Send Comment Letter To MTC-ABAG Regarding Town Council Comments On Preferred Scenario For Plan Bay Area 2040

(Report from Adam Wolff, Director of Planning and Building)

Documents:

[7.I DISCUSSION RE COMMENT LETTER PLAN BAY AREA 2040 DRAFT PREFERRED SCENARIO PROJECTIONS.PDF](#)

7.II. Consideration And Possible Action To Approve Supplemental Appropriation For Long Term Financial Plan

(Report from David Bracken, Director of Public Works/ Town Engineer / Assistant Town Manager)

Documents:

[7.II LONG TERM FINANCIAL PLAN SUPPLEMENTAL APPROP.PDF](#)

7.III. Review Of Draft October 18, 2016 Town Council Agenda

Documents:

[7.III 10.18.16 DRAFT AGENDA.PDF](#)

7.IV. Approval Of Minutes Of September 20, 2016 Town Council Meeting

Documents:

[7.IV 092016 DRAFT CORTE MADERA COUNCIL MINUTES.PDF](#)

8. ADJOURNMENT

TOWN COUNCIL STAFF REPORTS ARE USUALLY AVAILABLE BY 5:00 P.M., FRIDAY PRIOR TO THE COUNCIL MEETING, AND MAY BE OBTAINED AT THE CORTE MADERA TOWN HALL, OR BY CALLING 927-5050. AGENDA ITEMS ARE AVAILABLE FOR REVIEW AT CORTE MADERA LIBRARY, FIRE STATION 13

(5600 PARADISE DRIVE) AND THE TOWN HALL. IF YOU CHALLENGE THE ACTION OF THE TOWN COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS AGENDA, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE TOWN CLERK, AT OR PRIOR TO THE PUBLIC HEARING.

Any member of the public may request placement of an item on the agenda by submitting a request to the Town Clerk. The public is encouraged to contact the Town Manager at 415-927-5050 for assistance on any item between Council meetings.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at 415-927-5086. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting please notify the Town Clerk at least 3 business days (the Thursday before the meeting) in advance of the meeting date. If the town does not receive timely notification of your reasonable request, the town may not be able to make the necessary arrangements by the time of the meeting.

To sign up to receive automatic notifications regarding meetings and agendas, please visit the Town's website at <http://www.townofcortemadera.org> and click on "Notify Me" to register, or email the Town Clerk at: rvaughn@tcmmail.org.

THIS MATERIAL HAS BEEN REVIEWED
BY THE TOWN MANAGER:



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: September 29, 2016

MEETING DATE: October 4, 2016

TO: TOWN MANAGER, MAYOR AND COUNCIL MEMBERS

FROM: REBECCA VAUGHN, TOWN CLERK

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE 957 AMENDING TITLE 2, CHAPTER 2.38 OF THE CORTE MADERA MUNICIPAL CODE, "GENERAL MUNICIPAL ELECTIONS"

* * * * *

STAFF RECOMMENDATION:

Staff recommends that the Town Council adopt Ordinance No. 957, amending Title 2 Chapter 2.38 of the Corte Madera Municipal Code, "General Elections", moving the Town's Election Date for Mayor and Councilmembers from November of odd-numbered years to June of even-numbered years and electing office holders to four and a half year terms in the next two election cycles.

OPTIONS:

- 1) The Council may approve and adopt the proposed ordinance
- 2) The Council may direct staff to revise the ordinance and re-introduce the revised ordinance at a subsequent meeting.
- 3) The Council may reject the proposed ordinance.

TOWN MANAGER'S RECOMMENDATION:

Town Manager supports staff recommendation.

BACKGROUND:

At the September 20, 2016 Town Council meeting, the Town Council voted to introduce Ordinance 957 to move the Town's elections for Mayors and Councilmembers to June of even-numbered years by 2022. The move, as proposed, would be phased in by electing officeholders to four and a half year terms during the next two election cycles, November 2017 and November 2019. Following completion of the migration to the even-year June election date, in June 2022, officeholders would once again be elected to four-year terms. The staff report for this item can

be viewed via the following link:

<http://townofcortemadera.org/AgendaCenter/ViewFile/Item/1237?fileID=2680>

The Town Council first discussed proposed changes to the Town's municipal elections required to bring the Town into compliance with Senate Bill 415 at the August 16, 2016 Town Council meeting. The staff report for this item, along with the text of SB 415 can be viewed via the following link: <http://townofcortemadera.org/AgendaCenter/ViewFile/Item/1155?fileID=2639>. SB 415 was adopted in September 2015, and requires municipalities and special districts with especially low voter turnout to consolidate their contests with statewide elections. The law goes into effect January 1, 2017 and compliance, if deemed necessary, is required by November 2022.

At this time, if it is the desire of the Town Council, the Ordinance may be adopted. Once adopted, the Ordinance would take effect in 30 days. Upon adoption, the Town Clerk will transmit a copy of this Ordinance to the Clerk of the Board of Supervisors of Marin County, together with the request that the Board approve this Ordinance and provide the Town with notice of such approval. Additionally, a postcard will be mailed to all registered voters within the Town of Corte Madera alerting them to this change.

ATTACHMENTS:

1. Draft Ordinance 957
2. Link to Staff Report and Attachments Provided at the September 20, 2016 Town Council Meeting

ATTACHMENT 1

DRAFT ORDINANCE 957

ORDINANCE NO. 957

AN ORDINANCE OF THE TOWN OF CORTE MADERA AMENDING TITLE 2
CHAPTER 2.38 OF THE CORTE MADERA MUNICIPAL CODE, “GENERAL
MUNICIPAL ELECTIONS”

THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA does ordain as follows:

Section 1. Chapter 2.38 of Title 2 of the Corte Madera Municipal Code is hereby amended to read as set forth below:

2.38.010 Date of General Municipal Election. Beginning with the June 2022 election, pursuant to Elections Code sections 1000(c), 1301, and 10403.5, General Municipal Elections shall be held on the first Tuesday after the first Monday in June as set forth in Section 1000(c) of the Elections Code.

2.38.020 Applicability of California Elections Code. When an election is held pursuant to Section 2.38.010, and the election is consolidated with another election, the provisions contained in Part 3 (commencing with Section 10400), Division 10 of the California Elections Code shall govern the consolidation, and, if the County Clerk is requested to conduct the General Municipal Election, Section 10403 of the California Elections Code shall apply to that election.

2.38.030 Effect on Prospective Town Elected Officers. Following the operative date of this ordinance, terms of office shall be affected as follows:

Those prospective Town Officers elected on November 7, 2017, whose four-year terms of office would have, prior to the adoption of this ordinance, expired in November 2021, shall instead remain in office until the certification of the June 2022 election results.

Those prospective Town Officers elected on November 5, 2019, whose four-year terms of office would have, prior to the adoption of this ordinance, expired in November 2023, shall instead remain in office until the certification of the June 2024 election results.

2.38.040 Notice to Voters of Change in Election Date. Within 30 days after this ordinance becomes operative, the Town Clerk shall cause a notice to be mailed to all registered voters of the change in election date.

Section 2. The Town Clerk is hereby directed to transmit a copy of this Ordinance to the Clerk of the Board of Supervisors of Marin County, together with the request that the Board approve this Ordinance and provide the Town with notice of such approval. This Ordinance shall become operative upon such approval.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have adopted the ordinance and

each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. A summary of this ordinance shall be published in the Marin Independent Journal within 5 days prior to passage and 15 days after passage.

* * * * *

This ordinance was introduced on the ___ day of _____, 2016 and adopted on the ___ day of _____, 2016 by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

APPROVE:

SLOAN C. BAILEY
MAYOR

ATTEST:

REBECCA VAUGHN
TOWN CLERK

ATTACHMENT 2

**LINK TO STAFF REPORT AND ATTACHMENTS
PROVIDED AT THE SEPTEMBER 20, 2016
TOWN COUNCIL MEETING:**

<http://townofcortemadera.org/AgendaCenter/ViewFile/Item/1237?fileID=2680>

This material has been reviewed
by the Town Manager



CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: September 29, 2016
Meeting Date: October 4, 2016

TO: TOWN MANAGER, MAYOR AND MEMBERS OF THE TOWN COUNCIL

FROM: REBECCA VAUGHN, TOWN CLERK

SUBJECT: APPROVE RESOLUTION APPOINTING REPRESENTATIVES TO THE
MARIN EMERGENCY RADIO AUTHORITY AND MARIN COUNTY
HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS
AUTHORITY

* * * * *

STAFF RECOMMENDATION:

Staff recommends that the Town Council adopt Resolution 42/2016 and appoint representatives to the Marin Emergency Radio Authority and Marin County Hazardous And Solid Waste Management Joint Powers Authority.

OPTIONS:

The Council may adopt the resolution, take no action, or give staff direction for further action.

TOWN MANAGER'S RECOMMENDATION:

Town Manager supports staff recommendation.

DISCUSSION AND BACKGROUND:

There are two board positions appointed by the Town Council which have traditionally been filled by the Town Manager: the Marin Emergency Radio Authority (MERA) and the Marin County Hazardous and Solid Waste Joint Powers Authority.

MERA's Governing Board consists of one member from each of the JPA member agencies. The agency may designate a member of its governing body, the chief administrative officer, or another designee.

The Board of the Marin County Hazardous and Solid Waste Management Joint Powers Authority is composed of one council member, or the chief administrative officer, from each member agency. At the present time, all MCHSWMJPA board members are CAO's. The board members do not have alternates.

In November, 2015, the Town Council appointed Town Manager David Bracken as the primary representative to MERA. Todd Cusimano began his tenure as Town Manager on September 26, 2016 and as a result, the Town's designated appointments to both boards are required to be updated. At this time, it is recommended that Todd Cusimano be designated as the primary representative to the MERA Board, with Battalion Chief Dan Reese as the alternate representative. It is also recommended that Todd Cusimano be designated as the Town of Corte Madera's representative to the Marin County Hazardous and Solid Waste Management Joint Powers Authority.

ENVIRONMENTAL IMPACT:

None

FISCAL IMPACTS:

None

ATTACHMENT:

1. Draft Resolution 42/2016

ATTACHMENT 1

Draft Resolution 42/2016

RESOLUTION NO. 42/2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA APPOINTING THE TOWN MANAGER AS THE TOWN’S REPRESENTATIVE TO THE MARIN EMERGENCY RADIO AUTHORITY BOARD OF DIRECTORS AND THE MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

WHEREAS, the positions of Town Manager and a member of the Corte Madera Fire Department serve as primary and alternate appointees, respectively, to the Marin Emergency Radio Authority; and

WHEREAS, the position of Town Manager serves as the appointee to the Marin County Hazardous and Solid Waste Management Joint Powers Authority; and

WHEREAS, the Town Council desires to continue such appointments.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Corte Madera as follows:

1. The Town Manager, Todd Cusimano, is hereby designated as the representative to the Marin Emergency Radio Authority, and authorized to take all actions necessary to meet the obligations of the Joint Powers Agreement.
2. The Battalion Chief, Dan Reese, is hereby designated as the alternate representative to the Marin Emergency Radio Authority, and authorized to take all actions necessary to meet the obligations of the Joint Powers Agreement in the absence of the designated representative.
3. The Town Manager, Todd Cusimano, is hereby designated as the representative to the Marin County Hazardous and Solid Waste Management Joint Powers Authority, and authorized to take all actions necessary to meet the obligations of the Joint Powers Agreement.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Corte Madera Town Council at its regular meeting held on the 4th day of October, 2016 by the following votes:

Ayes:	Councilmembers:
Noes:	Councilmembers:
Absent:	Councilmembers:

Sloan C. Bailey, Mayor

Attest:

Rebecca Vaughn, Town Clerk

This material has been reviewed
by the Town Manager



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: SEPTEMBER 29, 2016
MEETING DATE: OCTOBER 4, 2016

TO: TOWN MANAGER, MAYOR AND COUNCIL MEMBERS
FROM: ADAM WOLFF, DIRECTOR OF PLANNING AND BUILDING
SUBJECT: POSSIBLE RATIFICATION AND ISSUANCE OF REPORT ON MEASURES
TAKEN TO ALLEVIATE THE CONDITIONS WHICH LED TO THE
ADOPTION OF INTERIM URGENCY ORDINANCE 943 AND EXTENSION
THEREOF BY ORDINANCE 945 AND 954

PURPOSE:

Pursuant to California Government Code Section 65858(d), the Town Council of the Town of Corte Madera shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the urgency ordinance ten days prior to its expiration.

STAFF RECOMMENDATION:

Staff recommends that the Town Council ratify and issue the attached report (Attachment 1).

TOWN MANAGER'S RECOMMENDATION:

Town Manager supports staff recommendations.

FISCAL IMPACT:

N/A

BACKGROUND:

On October 7, 2014, the Town Council adopted an urgency ordinance prohibiting the granting of planning entitlements in the area bounded by Tamal Vista Boulevard to the west, Wornum Drive to the north, Hwy. 101 to the east, and Madera Blvd. to the south (the

“Tamal Vista Corridor”). The urgency ordinance was extended on November 18, 2014, and again on September 15, 2015. In the process of extending the urgency ordinance, the Town Council also ratified and issued reports on measures taken to alleviate the conditions which led to the adoption of the urgency ordinance in compliance with California Government Code Section 65858(d).

The urgency ordinance will expire on October 7, 2016. The ratification and issuance of the attached report represents the final action of the Town Council related to the urgency ordinance. While the report will not be ratified and issued 10 days in advance of the expiration of the moratorium, there is no practical effect of not strictly complying with this provision.

ATTACHMENTS

1. REPORT ON MEASURES TAKEN TO ALLEVIATE THE CONDITION WHICH LED TO THE ADOPTION OF THE URGENCY ORDINANCE

TOWN OF CORTE MADERA PLANNING & BUILDING DEPARTMENT

SEPTEMBER 28, 2016

REPORT ON MEASURES TAKEN TO ALLEVIATE THE CONDITIONS WHICH LED TO THE ADOPTION OF ORDINANCE No. 943

This report describes the measures taken since the adoption of the interim ordinance on October 7, 2014, to alleviate the conditions leading to the adoption of the interim urgency ordinance as required by California Government Code 65858(d).

As described in the staff reports for the October 7, 2014, November 18, 2014, and September 15, 2015 Town Council meetings, and the adopted interim ordinance and extensions (Ordinances 942, 943, and 954), the purpose of adopting the interim ordinance and extension was to allow Town staff a reasonable amount of time to carefully implement land use programs identified in the 2009 General Plan prior to acting upon anticipated applications for redevelopment. The lack of defined mixed-use regulations and land use policies consistent with the General Plan and the granting of approvals for potential applications pursuant to existing zoning will hamper and irreparably impede the Town's goals of fostering a cohesive and vibrant mixed-use area and the type of analysis and planning needed to take into account unique physical constraints, minimize traffic impacts and conflicts, and improve pedestrian and bicycle connectivity.

Since the adoption of Ordinance 943, Staff has:

- 1) Completed a comprehensive 10-month study of the Tamal Vista Corridor culminating in the publication and presentation of the Tamal Vista Corridor Study Report to the Corte Madera Planning Commission and Corte Madera Town Council in June and July 2016. The Tamal Vista Corridor Study was a Town-led analysis and assessment of the existing conditions, development constraints, opportunities, and community vision for the area bounded by Madera Boulevard to the south, Tamal Vista Boulevard to the west, Wornum Drive to the north, and US Hwy 101 to the east (the same area subject to Ordinance 943). The Town initiated the Corridor Study to develop analytical tools and facilitate community discussion and input into the creation of new land use policies. The Tamal Vista Corridor Study Report includes a series of specific policy recommendations for the development of new zoning regulations to govern development in the Tamal Vista Corridor over both the short and long term.
- 2) Prepared new mixed-use zoning regulations implementing the recommendations of the Tamal Vista Corridor Study Report. A proposed Zoning Ordinance Amendment creating a new Mixed Use Zoning District (MX-1) for the study area and a General Plan Amendment changing the land use designation for 75 Tamal Vista Boulevard to Mixed-Use Commercial was presented at a duly-notice public hearing of the Corte Madera Planning Commission on September 13, 2016. The Planning Commission recommended approval of the Zoning Ordinance Amendment, General Plan Amendment, and adoption of the Initial Study/Negative Declaration prepared in conjunction with the proposal. On October 4, 2016, the Corte Madera Town Council will review and possibly adopt the proposed Zoning Ordinance and General Plan amendments.

Adoption of new zoning regulations for the Tamal Vista Corridor would fulfill the purpose of the urgency ordinance and would alleviate the conditions that led to its adoption.

Adam Wolff
Director of Planning and Building

TOWN OF CORTE MADERA
RATIFICATION AND APPROVAL OF
PAYROLL AND DEMANDS (ACCOUNTS PAYABLE)
PERIOD 09/15/16 – 09/28/16

Todd Cusimano, TOWN MANAGER

Submitted herewith are the Payroll and Demands (Accounts Payable) paid during the period of 09/15/16 through and including 09/28/16 in accordance with Corte Madera Municipal Code Section 2.12.145 and Chapter 2.28(Statutory provisions contained in Government Code Sections 37202 through 37209 and Sections 40802 through 40805 and Section 40805.5).

Payroll (09/01/16 – 09/30/16)			
Retiree Vested Rights Health Insurance Reimbursement			
Payroll Direct Deposit Numbers	30453 - 30496	\$	<u>27,003.72</u>
<u>Total Payroll</u>		\$	<u>27,003.72</u>
Payroll (09/12/16 – 09/25/16)			
Payroll Check Numbers	5306 - 5319	\$	28,034.78
Payroll Direct Deposit Numbers	30497 - 30575		206,259.33
Payroll Wire Transfer Numbers	2062 - 2066		<u>185,097.89</u>
<u>Total Payroll</u>		\$	<u>419,392.00</u>
Payroll (Council-September)			
Payroll Check Numbers	5320 - 5320	\$	273.00
Payroll Direct Deposit Numbers	30576 - 30579		729.76
Payroll Wire Transfer Numbers	2067 - 2069		<u>328.73</u>
<u>Total Payroll</u>		\$	<u>1,331.49</u>
Warrant Check Numbers	214484 - 214608	\$	742,796.18
Wire – Central Marin Police Monthly Payment (00/00/00)		\$	0.00
Wire – Semi-Annual Debt Park Madera Ctr (00/00/00)		\$	0.00
Wire – CalPERS GASB68 Payment (00/00/00)		\$	<u>0.00</u>
<u>Total Demands(Accounts Payable)</u>			<u>742,796.18</u>
TOTAL PAYROLL AND DEMANDS		\$	1,190,523.39

 Todd Cusimano
 Town Manager

 Date

George T. Warman, Jr. *09/29/16*

 George T. Warman, Jr. Date
 Director of Administrative Services/
 Town Treasurer

APPROVED AT MEETING OF 10/04/16

 SLOAN C. BAILEY, MAYOR

 DIANE FURST, VICE MAYOR

 JAMES ANDREWS, COUNCIL MEMBER

 CARLA CONDON, COUNCIL MEMBER

 MICHAEL LAPPERT, COUNCIL MEMBER

*Checks listed do not correspond to a month or an accounting period because of overlap between months and accounting periods. Questions concerning the check register should be directed to George Warman at 927-5055. In his absence Jonna Intoschi or Lina Azevedo.

SEPT

vchlist
09/21/2016 8:56:50AM

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214484	9/21/2016	aa100c A AND P MOVING, INC.	4046459		MONTHLY RECORD STORAGE FEE	
					MONTHLY RECORD STORAGE FEE	99.00
					Total :	99.00
214485	9/21/2016	an106c A N WEST INC., CONSULTING ENGINEEF	INV 593703-2		STORM DRAINAGE IMPROVEMENT	
			INV 593704-2		STORM DRAINAGE IMPROVEMENT	7,830.38
					ECHO AVE AND HARBOR DR - PRO	
					ECHO AVE AND HARBOR DR - PRO	11,420.00
					Total :	19,250.38
214486	9/21/2016	at095c A T & T U-VERSE, #117724553	08/10/16-09/09/16		ON LINE STORGAE LINE TO TCPA	
					ON LINE STORGAE LINE TO TCPA	85.00
					Total :	85.00
214487	9/21/2016	ai025c AIR EXCHANGE, INC.	39004		GRABBER/CLAMPS	
					GRABBER/CLAMPS	667.37
					Total :	667.37
214488	9/21/2016	al050c ALHAMBRA AND SIERRA SPRINGS, 2877	5139740 090416		WATER	
					WATER	61.51
					Total :	61.51
214489	9/21/2016	al047c ALHAMBRA AND SIERRA SPRINGS, 3274	6037959 090416		WATER	
					WATER	12.36
					WATER	12.36
					WATER	12.36
					WATER	12.36
					WATER	12.37
					Total :	61.81
214490	9/21/2016	al200c ALLSTAR FIRE EQUIPMENT, INC.	192421		BUIDLING MAINTENANCE SUPPLIE	
					BUIDLING MAINTENANCE SUPPLIE	106.82
					Total :	106.82
214491	9/21/2016	am114c AMERICAN MESSAGING	W4101516QI		RADIO MAINTENANCE	

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214491	9/21/2016	am114c AMERICAN MESSAGING	(Continued)		RADIO MAINTENANCE	145.24
					Total :	145.24
214492	9/21/2016	ar125c ARAMARK UNIFORM SERVICES'	08/31/2016STMT		BUILDING MAINTENANCE	183.96
					BUILDING MAINTENANCE	266.88
					BUILDING MAINTENANCE	315.32
					MISC. SUPPLIES	347.20
					CLOTHING & UNIFORMS	352.57
					CLOTHING & UNIFORMS	315.64
					CLOTHING & UNIFORMS	315.32
					BUILDING MAINTENANCE	116.04
					JANITORIAL SUPPLIES	315.32
					Total :	2,528.25
214493	9/21/2016	at075c AT & T - CALNET 3	000008544626		UTILITIES - TELEPHONE	147.26
			9391023426		UTILITIES - TELEPHONE	257.76
					UTILITIES - TELEPHONE	41.45
					UTILITIES - TELEPHONE	53.08
					UTILITIES - TELEPHONE	14.18
					UTILITIES - TELEPHONE	14.34
					UTILITIES - TELEPHONE	40.34
					UTILITIES - TELEPHONE	46.52
			9391023427		UTILITIES - TELEPHONE	361.65
					UTILITIES - TELEPHONE	-0.74
			9391023428		UTILITIES - TELEPHONE	621.46
					UTILITIES - TELEPHONE	9.07
					UTILITIES - TELEPHONE	7.42
			9391026356		UTILITIES - TELEPHONE	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214493	9/21/2016	at075c AT & T - CALNET 3	(Continued)			
					UTILITIES - TELEPHONE	10.30
					UTILITIES - TELEPHONE	4.30
			9391033626		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	10.27
					UTILITIES - TELEPHONE	7.33
			9391033627		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	10.27
					UTILITIES - TELEPHONE	7.94
			9391033628		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	25.56
					UTILITIES - TELEPHONE	21.59
			9391033629		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	22.08
					UTILITIES - TELEPHONE	94.13
					UTILITIES - TELEPHONE	44.86
					UTILITIES - TELEPHONE	0.06
					UTILITIES - TELEPHONE	130.15
			9391033630		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	141.00
					UTILITIES - TELEPHONE	40.99
					UTILITIES - TELEPHONE	6.40
			9391058177		UTILITIES - TELEPHONE	
					UTILITIES - TELEPHONE	2.82
					Total :	2,193.84
214494	9/21/2016	be149c BEARCOM	4510382		RECREATIONAL SUPPLIES	
					RECREATIONAL SUPPLIES	933.04
					Total :	933.04
214495	9/21/2016	be053c BERTRAND, FOX, ELLIOT, OSMAN &	08/22/2016STMT		CORTE MADERA FIRE CONSOLIDA	
					CORTE MADERA FIRE CONSOLIDA	242.31
					Total :	242.31
214496	9/21/2016	b1031c BLUE PRINT MART, LLC	08/31/2016STMT		MISC. PROF. SPECIALIZED	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214496	9/21/2016	bl031c BLUE PRINT MART, LLC	(Continued)		MISC. PROF. SPECIALIZED	101.06
					Total :	101.06
214497	9/21/2016	bo105c BOUND TREE MEDICAL, LLC	82260767		MEDICAL SUPPLIES	961.56
			82262078		MEDICAL SUPPLIES	1,499.37
					MEDICAL SUPPLIES	2,460.93
					Total :	2,460.93
214498	9/21/2016	bl021c BPXPRESS	RI00207766		SCAN	112.84
					SCAN	112.84
					Total :	112.84
214499	9/21/2016	br151c BROOKS, JOHN	R-35085		CMFC SOCCER TRAINING	2,887.50
					CMFC SOCCER TRAINING	2,887.50
					Total :	2,887.50
214500	9/21/2016	br126c BROWN, DONAL	R-34929		PICNIC RENTAL REFUND DEPOSIT	200.00
					PICNIC RENTAL REFUND DEPOSIT	200.00
					Total :	200.00
214501	9/21/2016	co136c CODE SOURCE	8876		3 HARBOR DR - RAISE FLOOR ELE	795.00
			8930		3 HARBOR DR - RAISE FLOOR ELE	980.00
			8931		3 HARBOR DR - ADDITION AND REI	1,880.00
					82 SONORA WAY - ADDITION AND F	3,655.00
					82 SONORA WAY - ADDITION AND F	
					Total :	3,655.00
214502	9/21/2016	co165c COMCAST - 0208565, 0055313, FIRE DEF 09/06/16-10/05/16			FIRE STATION #13 "DSL" LINE	111.20
					FIRE STATION #13 "DSL" LINE	111.20
					Total :	111.20
214503	9/21/2016	co179c COSTCO MEMBERSHIP	09/18/2016STMT		MEMBERSHIP DUES	110.00
					MEMBERSHIP DUES	110.00

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214503	9/21/2016	co179c co179c COSTCO MEMBERSHIP			(Continued)	Total : 110.00
214504	9/21/2016	da025c D & K AUTO SERVICES	51823		OIL	109.00
			51824		OIL	109.00
			51932		MOTOR VEHICLE SERVICE ON 201	180.00
					MOTOR VEHICLE SERVICE ON 201	180.00
					Total :	398.00
214505	9/21/2016	su103c DANIEL MUTISO MUIHYA	1539		JANITORIAL SVCS.	2,200.00
					JANITORIAL SVCS.	2,200.00
					Total :	2,200.00
214506	9/21/2016	da024c DAPELO, SCOTT	R-35079		REIMBURSEMENT FOR SOFTBALL	400.00
					REIMBURSEMENT FOR SOFTBALL	400.00
					Total :	400.00
214507	9/21/2016	dc115c DC ELECTRIC GROUP, INC.	26546		M5005-SL ROUTINE	1,115.92
			26569		M1005-TS ROUTINE	2,010.88
			26570		M1006-TS RESPONSE	1,691.93
					M1006-TS RESPONSE	1,691.93
					Total :	4,818.73
214508	9/21/2016	de105c DE FRANCIS, TONI	09/12/2016STMT		MINUTES CLERK	220.00
					MINUTES CLERK	220.00
					Total :	220.00
214509	9/21/2016	do060c DOCTORS OF DUTY MEDICAL CLINIC	673057		JOHN DALEY - MEDICAL	265.00
					JOHN DALEY - MEDICAL	265.00
					Total :	265.00
214510	9/21/2016	fa110c FASTENAL	CASAR20074		HAND TOOLS, MINOR EQUIPMENT	104.02
					HAND TOOLS, MINOR EQUIPMENT	104.02

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214510	9/21/2016	fa110c	fa110c FASTENAL		(Continued)	Total : 104.02
214511	9/21/2016	fi100c	FINE LINE STRIPING INC.	116087	RESTRIP VARIOUS LOC - AS PER M RESTRIP VARIOUS LOC - AS PER M	12,000.00 Total : 12,000.00
214512	9/21/2016	fi046c	FISHMAN SUPPLY CO. (REC-7856)	1046168	JANITOIRAL SUPPLIES JANITOIRAL SUPPLIES JANITOIRAL SUPPLIES	445.11 222.56 Total : 667.67
214513	9/21/2016	fo185c	FORSTER & KROEGER LANDSCAPE, MA 5501		AUGUST 2016 FLOOD CONTROL AUGUST 2016 FLOOD CONTROL AUGUST 2016 FOOD CONTROL AUGUST 2016 - PARKS AUGUST 2016 SEWER/SANITARY AUGUST 2016 SEWER/SANITARY AUGUST 2016 STREETS AUGUST 2016 WEEDING/FIRE FUE	4,000.00 4,550.00 8,550.00 5,000.00 3,550.00 8,550.00 11,400.00 Total : 45,600.00
214514	9/21/2016	gl102c	GLOBALSTAR USA	1000000007594326	UTILITIES - TELEPHONE UTILITIES - TELEPHONE	50.46 Total : 50.46
214515	9/21/2016	ha050c	HAGEL SUPPLY COMPANY	354176	JANITORIAL SUPPLIES JANITORIAL SUPPLIES	265.48 Total : 265.48
214516	9/21/2016	ha020c	HALL, GABRIELLA	R-34930	PICNIC DEPOSIT REFUND PICNIC DEPOSIT REFUND	200.00 Total : 200.00
214517	9/21/2016	ho195c	HOME DEPOT CREDIT SERVICES, DEPT 4013087		AGGREGATES & BINDERS AGGREGATES & BINDERS	341.43 Total : 341.43

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214518	9/21/2016	ho175c HORIZON	1Q071920		IRRIGATION SUPPLIES	
					IRRIGATION SUPPLIES	185.66
					IRRIGATION SUPPLIES	185.66
					IRRIGATION SUPPLIES	185.66
					MISC. SUPPLIES	101.96
			1Q071934		IRRIGATION SUPPLIES	
					IRRIGATION SUPPLIES	437.14
					Total :	1,096.08
214519	9/21/2016	ji101c JIM CORBET'S ACE HARDWARE	08/28/2016STMT		HAND TOOLS & MINOR EQUIPMEN	
					HAND TOOLS & MINOR EQUIPMEN	92.36
					Total :	92.36
214520	9/21/2016	jo124c JOHNSON, ROBERT B.	6613		REC CENTER - MAIN ROOM LIGHTI	
			6619		REC CENTER - MAIN ROOM LIGHTI	700.00
			6620		PIXLEY PARK - TRACTOR PARKING	
			6622		PIXLEY PARK - TRACTOR PARKING	594.61
					CORP YARD - REPLACE FAULTY YA	
					CORP YARD - REPLACE FAULTY YA	400.37
					HIGH CANAL PUMP STATION	
					HIGH CANAL PUMP STATION	450.00
					Total :	2,144.98
214521	9/21/2016	ka117c KAISER FOUNDATION HEALTH PLAN	09/08/2016STMT		MEDICAL BENEFITS	
					MEDICAL BENEFITS	910.00
					Total :	910.00
214522	9/21/2016	kb100c KBA DOCUSYS	INV467444		BLACK TONER	
					BLACK TONER	12.95
					Total :	12.95
214523	9/21/2016	kn109c KNAUER, ALEXANDRA	R-35078		CORTE MADERA FC TRAINING AUC	
					CORTE MADERA FC TRAINING AUC	2,975.00
					Total :	2,975.00
214524	9/21/2016	ln075c L.N. CURTIS & SONS	INV48562		CLOTHING, UNIFORMS	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214524	9/21/2016	ln075c L.N. CURTIS & SONS	(Continued)		CLOTHING, UNIFORMS	1,296.01
			INV49004		CLOTHING, UNIFORMS	
			INV49013		CLOTHING, UNIFORMS	91.57
			INV50203		CLOTHING, UNIFORMS	470.79
					CLOTHING, UNIFORMS	1,835.12
					Total :	3,693.49
214525	9/21/2016	le031c LEAK DETECTION PROS	6182		LOCATED AND MARK BURIED STOI	
					LOCATED AND MARK BURIED STOI	350.00
					Total :	350.00
214526	9/21/2016	ma261c MARIN CO. OFFICE OF THE, ASSESSOF AR2016063068905			COPY OF MAPS	
					COPY OF MAPS	13.00
					Total :	13.00
214527	9/21/2016	ma820c MARIN HOUSING/BMR	09/14/2016STMT		REIMBURSEMENT OF LEGAL FEES	
					REIMBURSEMENT OF LEGAL FEES	52.00
					Total :	52.00
214528	9/21/2016	ma550c MARIN MUNICIPAL WATER DISTRICT	09/06/2016STMT		WATER	
					WATER	481.56
					WATER	722.38
					Total :	1,203.94
214529	9/21/2016	me101c METAL SERVICE CENTER	176191		STAINLESS STEEL ANGEL	
					STAINLESS STEEL ANGEL	534.71
					Total :	534.71
214530	9/21/2016	me068c METROPOLITAN PLANNING GROUP	2646		STAFFING	
			2647		STAFFING	550.00
					TAMAL VISTA CEQA	
					TAMAL VISTA CEQA	18,930.16
					Total :	19,480.16

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214531	9/21/2016	mo095c MOORE IACOFANO, GOLTSMAN, INC.	0045513		PROFESSIONAL SERVICES FROM 7/ PROFESSIONAL SERVICES FROM 7/	1,952.50
					Total :	1,952.50
214532	9/21/2016	mu125c MUNICIPAL MAINT.EQUIP., INC.	0113116-IN		COMPLETE SERVICE KIT FOR SWE COMPLETE SERVICE KIT FOR SWE	887.82
					Total :	887.82
214533	9/21/2016	ne100c NERVIANI PAVING, INC.	4850		PATCHING-GOLDEN HIDE/MEADOS PATCHING-GOLDEN HIDE/MEADOS	2,500.00
			4851		TAMAL VISTA DR - REMOVE AND RI TAMAL VISTA DR - REMOVE AND RI	4,000.00
			4858		GRANADA DR - ASPHALT PATCH GRANADA DR - ASPHALT PATCH	900.00
			4871		GRANADA - ASPHALT PATCH GRANADA - ASPHALT PATCH	700.00
			4874		SAN CLEMENTE DR & GRANADA P/ SAN CLEMENTE DR & GRANADA P/	2,600.00
			4875		CORTE MADERA BLVD ASPHALT/AI CORTE MADERA BLVD ASPHALT/AI CORTE MADERA BLVD ASPHALT/AI	6,500.00 700.00
					Total :	17,900.00
214534	9/21/2016	of026c OFFICE DEPOT - TOWN HALL	860912382003		MEETINGS MEETINGS MEETINGS MEETINGS MEETINGS MEETINGS MEETINGS	2.00 2.00 2.00 2.00 2.00 1.99
			863137891001		PAPER PAPER OFFICE SUPPLIES	1,019.83 70.57
					Total :	1,102.39
214535	9/21/2016	oh105c O'HARA FAMILY FARM	R-35080		CARRAIGE RIDES AT "LET IT SNOW	

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214535	9/21/2016	oh105c O'HARA FAMILY FARM	(Continued)		CARRAIGE RIDES AT "LET IT SNOW	1,046.50
					Total :	1,046.50
214536	9/21/2016	pa031c PARISI TRANSPORTATION	16365		TAMALPAIS DR BIKE LANES	1,473.37
					TAMALPAIS DR BIKE LANES	1,473.37
					Total :	1,473.37
214537	9/21/2016	ph115c PHILLIPS, MATTHEW-FLEX BENEFITS	09/20/2016STMT		FLEX 125	576.90
					FLEX 125	576.90
					Total :	576.90
214538	9/21/2016	pi109c PITNEY BOWES INC.	1001737784		POSTAGE SUPPLIES	135.93
					POSTAGE SUPPLIES	135.93
					Total :	135.93
214539	9/21/2016	po145c POLSKY PERLSTEIN ARCHITECTS	12792		CORTE MADERA TOWN HALL	316.15
					CORTE MADERA TOWN HALL	316.15
					Total :	316.15
214540	9/21/2016	pu103c PURCHASE POWER	09/06/2016STMT		POSTAGE	999.39
					POSTAGE	999.39
					Total :	999.39
214541	9/21/2016	re141c RENNE SLOAN HOLTZMAN SAKAI	32304		GENERAL PLANNING	7,250.00
			32305		JENNIFER LARSON APPEAL	2,259.65
			32306		JENNIFER LARSON APPEAL	3,327.27
			32307		NON-LITIGATION	2,762.50
			32310		NON-LITIGATION	390.00
					RESTORATION HARDWARE	2,762.50
					RESTORATION HARDWARE	390.00
					1421 CASA BUENA DEVELOPMENT	390.00
					1421 CASA BUENA DEVELOPMENT	390.00
					Total :	15,989.42
214542	9/21/2016	re024c RESOLVE INSURANCE SYSTEMS	09/15/2016STMT		COL. AGENCY AMBULANCE BILLIN	

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214542	9/21/2016	re024c	RESOLVE INSURANCE SYSTEMS	(Continued)	COL. AGENCY AMBULANCE BILLIN	204.79
					Total :	204.79
214543	9/21/2016	ri041c	RICOH USA, INC. - CORP YARD, 89846-10	97495131	PHOTOCOPYING EQUIP. MAINT. PHOTOCOPYING EQUIP. MAINT.	209.94
					Total :	209.94
214544	9/21/2016	ro450c	ROY'S SEWER SERVICE, INC.	193677	PAISLEY AVE	
				194470	PAISLEY AVE	1,180.00
				194515	TOWN PARK RESTROOM	
				194515	TOWN PARK RESTROOM	550.00
				194539	45 TAMAL VISTA BLVD	
				194539	45 TAMAL VISTA BLVD	7,080.00
				194643	4575 PARADISE DR	
				194643	4575 PARADISE DR	1,475.00
					PARADISE	
					PARADISE	2,750.00
					Total :	13,035.00
214545	9/21/2016	th037c	SCHWARTZ, J.	R-35082	STRAW/SNOW FOR LET IT SNOW F STRAW/SNOW FOR LET IT SNOW F	7,400.00
					Total :	7,400.00
214546	9/21/2016	se020c	SECURITAS SECURITY SERVICES	W5260373	SECURITY GUARD SERVICES SECURITY GUARD SERVICES	510.00
					Total :	510.00
214547	9/21/2016	st066c	STAPLES CREDIT PLAN	8040772521	OFFICES SUPPLIES OFFICES SUPPLIES	189.89
					Total :	189.89
214548	9/21/2016	st025c	STEVE ZAPPETINI & SON, INC.	8914338	REPAIR RAILING @ PUMP STATION REPAIR RAILING @ PUMP STATION	215.35
					Total :	215.35
214549	9/21/2016	ta025c	T & B SPORTS, INC.	257211-00	REC. SUPPLIES	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214549	9/21/2016	ta025c T & B SPORTS, INC.	(Continued)		REC. SUPPLIES	1,198.70
					Total :	1,198.70
214550	9/21/2016	ta050c TAP PLASTICS, INC.	393201		CLEAR ACRYLIC CUT/SAW BLADES	751.47
					CLEAR ACRYLIC CUT/SAW BLADES	751.47
					Total :	751.47
214551	9/21/2016	te027c TENORIO, EDWIN	R-35084		CMFC SOCCER TRAINING	4,462.50
					CMFC SOCCER TRAINING	4,462.50
					Total :	4,462.50
214552	9/21/2016	ti060c TIBURON PENINSULTA TRAFFIC	09/15/2016STMT		DONATION TOWARD THE YELLOW	25,000.00
					DONATION TOWARD THE YELLOW	25,000.00
					Total :	25,000.00
214553	9/21/2016	ti124c TIFCO INDUSTRIES	71178237		GATES & PUMPS REPAIR	66.29
			71181613		MISC. SUPPLIES	448.92
			71182396		DURAMAXX COATED STEP DRILL	106.03
			71185288		HAND TOOLS & MINOR EQUIPMEN	613.11
			71186067		LED STROBE-LIGHT	302.99
					Total :	1,537.34
214554	9/21/2016	bo101c TOWNSEND, MICHAEL D.	09/18/2016STMT		SAN CLEMENTE DR @ BAYSIDE TF	19,600.00
					SAN CLEMENTE DR @ BAYSIDE TF	19,600.00
					Total :	19,600.00
214555	9/21/2016	va036c VAUGHN, REBECCA - FLEX BENEFITS	09/20/2016STMT		FLEX - 125	155.90
					FLEX - 125	155.90
					Total :	155.90
214556	9/21/2016	ve117c VERIZON WIRELESS	9770868580		UTILITIES-TELEPHONE	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
214556	9/21/2016	ve117c VERIZON WIRELESS	(Continued)		UTILITIES-TELEPHONE	63.17	
					UTILITIES-TELEPHONE	63.16	
					Total :	126.33	
214557	9/21/2016	ve023c VERIZON WIRELESS-6707227710001	9771463860		TELEPHONE - CORP. YARD		
					TELEPHONE - CORP. YARD	55.61	
					TELEPHONE - CORP. YARD	692.12	
					Total :	747.73	
214558	9/21/2016	wa295c WATER COMPONENTS	30421634		COMP/BUILDING SUPPIES		
			30421783		COMP/BUILDING SUPPIES	604.72	
			30421786		CHRISTY B36R CONC . LID 'WATER		
					CHRISTY B36R CONC . LID 'WATER	138.40	
					PAIL PLASTIC		
					PAIL PLASTIC	142.03	
					Total :	885.15	
214559	9/21/2016	we275c WEST END NURSERY, INC.	08/31/2016STMT		PLANT MAINTENANCE		
					PLANT MAINTENANCE	904.58	
					PLANT MAINTENANCE	71.41	
					Total :	975.99	
214560	9/21/2016	sm105c WORLD TREE SERVICE, INC.	6203		29 1ST STREET		
					29 1ST STREET	650.00	
					Total :	650.00	
214561	9/21/2016	ze025c ZEE MEDICAL SERVICE	723701825		SAFETY & PROTECTIVE ITEMS		
					SAFETY & PROTECTIVE ITEMS	90.79	
					SAFETY & PROTECTIVE ITEMS	95.00	
					Total :	185.79	
78 Vouchers for bank code : bom						Bank total :	256,524.80
78 Vouchers in this report						Total vouchers :	256,524.80

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Voucher List
TOWN OF CORTE MADERA

ACCTS PAYABLE
JUNE
SEAT CHAIR RENT

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214562	9/21/2016	ce075c CENTRAL MARIN SANITATION AGEN.	16-7061		FOG CONTROL PROGRAM FOR WC	
			16-7062		FOG CONTROL PROGRAM FOR WC	3,880.19
					FOG CONTROL PROGRAM	
					FOG CONTROL PROGRAM	2,657.48
					Total :	6,537.67
214563	9/21/2016	co136c CODE SOURCE	8823		FIELD INSEPTION SERVICE CMT	
			8839		FIELD INSEPTION SERVICE CMT	3,640.00
			8840		FIELD INSPECTION SPERVICE CMT	
					FIELD INSPECTION SPERVICE CMT	3,800.00
					FIELD INSPECTION SER - ELEPHAI	
					FIELD INSPECTION SER - ELEPHAI	320.00
					Total :	7,760.00
214564	9/21/2016	cs026c CSG CONSULTANTS, INC.	8079		PERMIT TECH SERVICES - COURTI	
					PERMIT TECH SERVICES - COURTI	7,070.00
					BUILDING INSPEC- SERVICES - RO	5,822.50
					BUIDLING INSPEC. - ROBERT	85.00
					Total :	12,977.50
3 Vouchers for bank code : bom						Bank total : 27,275.17
3 Vouchers in this report						Total vouchers : 27,275.17

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Voucher List
TOWN OF CORTE MADERA

SEPT

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214565	9/28/2016	ab070c ABLE FENCE COMPANY, INC.	8254		GATE BEHIND HERTZ RENTALS GATE BEHIND HERTZ RENTALS	378.88
					Total :	378.88
214566	9/28/2016	ac111c ACCO BRANDS DIRECT	O150732541		DAILY APPOINTMENT BOOK/YEARL DAILY APPOINTMENT BOOK/YEARL	56.50
					Total :	56.50
214567	9/28/2016	af020c AFLAC, REMITTANCE PROCESSING	104362		INTOSCHI INTOSCHI KRAMER RAVINA SANTOS ROSE MEJIA QUADROS RUSSELL GABBARD DOWNING PALMER, M SCHROTH FISCHER MCGOVERN	68.04 21.98 21.96 29.72 29.74 29.72 29.72 21.96 29.82 39.96 119.82 39.96 174.74 22.44
					Total :	679.58
214568	9/28/2016	at075c AT & T - CALNET 3	415-927-5077 513 9		UTILITIES - TELEPHONE UTILITIES - TELEPHONE	719.54
					Total :	719.54
214569	9/28/2016	at110c AT & T MOBILITY-287016673845	287245897656X091716		UTILITIES - TELEPHONE UTILITIES - TELEPHONE	39.16
					Total :	39.16
214570	9/28/2016	ba600c B & G GLASS	7785		NEW DOOR - PUBLIC WORKS OFF	

Voucher List
TOWN OF CORTE MADERA

Bank code : bom

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214570	9/28/2016	ba600c B & G GLASS	(Continued)		NEW DOOR - PUBLIC WORKS OFF	9,678.20
					Total :	9,678.20
214571	9/28/2016	ba172c BAY ALARM COMPANY-1795028	1795028		MONITORING FEE	160.89
					MONITORING FEE	160.89
					Total :	160.89
214572	9/28/2016	be114c BELVEDERE, CITY OF	R-29114		MCCMC DINNER/BUSINESS MTG	
					MCCMC DINNER/BUSINESS MTG	55.00
					MCCMC DINNER/BUSINESS MTG	55.00
					Total :	110.00
214573	9/28/2016	be050c BENEFITS STORE, INC., THE	SEPTEMBER - 16		ADMINISTRATION	
					ADMINISTRATION	8.17
					FINANCE	24.51
					FIRE	16.34
					FIREFIGHTERS	24.51
					FIREFIGHTERS	65.26
					PLANNING	8.17
					BUILDING	8.17
					PUBLIC WORKS-CORP.	8.17
					PUBLIC WORKS	16.34
					PUBLIC WORKS	40.85
					PUBLIC WORKS	8.17
					RECREATION	16.34
					Total :	245.00
214574	9/28/2016	bl031c BLUE PRINT MART, LLC	6930		TAMALPAIS DR - STREET PROJECT	
			6932		TAMALPAIS DR - STREET PROJECT	50.75
					WELCOME BANNER	
					WELCOME BANNER	52.35
					Total :	103.10
214575	9/28/2016	bo105c BOUND TREE MEDICAL, LLC	82264938		MEDICAL SUPPLIES	
					MEDICAL SUPPLIES	13.00

Voucher List
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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214575	9/28/2016	bo105c bo105c BOUND TREE MEDICAL, LLC	(Continued)			Total : 13.00
214576	9/28/2016	ca210c CAPFF, CALF. ASSN. OF PROF. F.F.	09/26/2016STMT		PREMIUM PREMIUM	19.08 Total : 19.08
214577	9/28/2016	ch250c CHEVRON & TEXACO BUSINESS CARD TEMPLATE			FUEL & GREASES FUEL - GASOLINE FUEL - DIESEL FUEL - DIESEL FUEL - DIESEL OFFICE SUPPLIES	42.17 501.77 26.53 496.34 636.81 706.53 861.52 70.86 617.37 236.73 430.60 46.27 Total : 4,673.50
214578	9/28/2016	cl106c CLICKTIME.COM	203752		CLICK TIME TRACKING SYSTEM CLICK TIME TRACKING SYSTEM	216.00 Total : 216.00
214579	9/28/2016	co008c COASTLAND CIVIL ENG., INC.	40128		PROJECT 403255 CM - 2015/2016 P PROJECT 403255 CM - 2015/2016 P	2,312.63 Total : 2,312.63
214580	9/28/2016	co121c COMCAST- 028617, 0208847, 5594, 0010	09/19/16-10/18/16		REC. CTR. "DSL" LINE REC. CTR. "DSL" LINE	141.20 Total : 141.20
214581	9/28/2016	co195c CORPORATE PAYMENT SYSTEMS	09/14/2016STMT		MEETINGS MEETINGS MISC. SUPPLIES	134.02 554.67

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214581	9/28/2016	co195c	CORPORATE PAYMENT SYSTEMS		(Continued)	
					FUEL GASOLINE	197.29
					FOODS	115.53
					OFFICE SUPPLIES	186.03
					REPLACMENT NON-OFFICE FURN.	785.11
					BUILDING MAINT. SUPPLIES	1,179.18
					MARKETING	49.99
					RECREATION SUPPLIES	721.13
					RECREATION SUPPLIES	157.46
					AGGREGATES & BINDERS	1,000.00
					AGGREGATES & BINDERS	928.64
					MISC. SUPPLIES	113.62
					EDUCATION & TRAINING SERV.	575.00
					MEETING EXPENSE	95.50
					MEETING EXPENSE	96.39
					SENIOR PROGRAM	558.56
					RECREATION SUPPLIES	94.44
					MISC. SUPPLIES	101.20
					MEETING EXPENSE	15.80
					FIRST AID KIT	120.72
					MEETING EXPENSE	25.24
					RECREATION SUPPLIES	179.97
					RECREATION SUPPLIES	112.17
					UTILITIES - TELEPHONE	377.22
					CENTENNIAL	381.17
					RECREATION SUPPLIES	129.79
					MARKETING	59.98
					RECREATION SUPPLIES	989.16
					RECREATION SUPPLIES	137.99
					SENIOR PROGRAMS	189.48
					EDUCATION & TRAINING SERVICE	163.02
					MISC. SUPPLIES	411.68
					PRINTING SERVICES	382.38
					CLOTHING & UNIFORMS	294.95

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214581	9/28/2016	co195c	CORPORATE PAYMENT SYSTEMS		(Continued)	
					EDUCATION & TRAINING SERVICE:	134.60
					TOOLS & MINOR EQUIPMENT	155.71
					BUILDING MAINT. SUPPLIES	17.73
					SERVICES	49.00
					RECREATION SUPPLIES	582.64
					RECREATION SUPPLIES	624.83
					CREDIT ON REC SUPPLIES	-219.88
					MISC. PROF. SPECIALIZED SRV	1,572.50
					FUEL-GASOLINE	36.50
					EQUIP, MACH, REPLACEMENT PAR	172.79
					FOODS	231.66
					OFFICE SUPPLIES	174.85
					MISC.	61.64
					SENIOR PROGRAMS	152.89
					RECREATION SUPPLIES	21.77
					SENIOR PROGRAMS	650.00
					MEMBERSHIP	18.09
					OFFICE SUPPLIES	13.60
					OFFICE SUPPLIES	196.45
					MEETING EXPENSE	32.07
					MARKETING	124.99
					MISC. SUPPLIES	173.22
					HAND TOOLS & MINOR EQUIP.	1,010.56
					VEHICLE MAINTENANCE	139.58
					VEHICLE MAINTENANCE	60.40
					VEHICLE MAINTENANCE	60.57
					VEHICLE MAINTENANCE	89.82
					VEHICLE MAINTENANCE	60.40
					VEHICLE MAINTENANCE	266.74
					HAND TOOLS & MINOR EQUIP.	544.00
					HAND TOOLS & MINOR EQUIP.	544.81
					BULDING MAINT. SUPPLIES	92.71
					MISC. SUPPLIES	80.76

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214581	9/28/2016	co195c	CORPORATE PAYMENT SYSTEMS	(Continued)	BUILDING MAINT. SUPPLIES	49.38
					FUEL-GASOLINE	38.99
					Total :	19,630.85
214582	9/28/2016	co755c	CORTE MADERA CHAMBER OF COMM.,	AUGUST 2016	CONTRIBUTIONS, SUBSIDIES	
					CONTRIBUTIONS, SUBSIDIES	20,791.37
					FINANCE COST RECOVERY CHARC	172.00
					FINANCE DEPT. COST RECOVERY	-172.00
					Total :	20,791.37
214583	9/28/2016	pe176c	CORTE MADERA-PERS HEALTH BENEF	OCTOBER 2016	PERS HEALTH BENEFITS	
					SERVICIE CHARGE	347.81
					RETIRED	5,750.00
					PRETE	-133.53
					QUADORS	-133.53
					FENTY	-1,492.94
					LAPPERT, MICHAEL	746.47
					Total :	5,084.28
214584	9/28/2016	ma120c	COUNTY OF MARIN	AUGUST 2016	MARIN TOURISM IMPROVE DISTRK	
					MARIN TOURISM IMPROVE DISTRK	20,791.37
					FINANCE COST RECOVERY CHARC	172.00
					FINANCE DEPT. COST RECOVERY	-172.00
					Total :	20,791.37
214585	9/28/2016	cr071c	CROWE, KELLY	R-18807	OFFICE SUPPLIES	
					OFFICE SUPPLIES	12.43
					Total :	12.43
214586	9/28/2016	da025c	D & K AUTO SERVICES	51872	2006 - FORD - EXPEDITION B-13	
					2006 - FORD - EXPEDITION B-13	128.04
				51899	2008 FORD - EXPEDITION	
					2008 FORD - EXPEDITION	146.15
				51925	2015 FORD - E450 SD - M-14	
					2015 FORD - E450 SD - M-14	210.00

Voucher List
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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214586	9/28/2016	da025c da025c D & K AUTO SERVICES	(Continued)			Total : 484.19
214587	9/28/2016	de305c DELTA DENTAL OF CALIFORNIA	OCT-2016-PREMIUM		RETIREE DELTA DENTAL INSURAN RETIREE DELTA DENTAL INSURAN FENTY	1,626.33 -111.03 Total : 1,515.30
214588	9/28/2016	ev109c EVERBANK COMMERCIAL FINANCE	3967627		PHOTOCOPY EQUIPMENT MAINT. PHOTOCOPY EQUIPMENT MAINT.	1,024.71 Total : 1,024.71
214589	9/28/2016	fa100c FAILSAFE TESTING	8524		EQUIPMENT & MACHINERY MAINT. EQUIPMENT & MACHINERY MAINT.	531.60 Total : 531.60
214590	9/28/2016	fe500c FERGUSON ENTERPRISES,INC. #686	4970760		MISC. PROF. SPECIALIZED SRV MISC. PROF. SPECIALIZED SRV	33.22 Total : 33.22
214591	9/28/2016	ga107c GABBARD, NICHOLAS - FLEX	09/21/2016STMT		FLEX 125 FLEX 125	849.20 Total : 849.20
214592	9/28/2016	go410c GOLDEN STATE CHEMICAL & SUPPLY	888953		PLATES/MULTIFOLD TOWLES/TIDE PLATES/MULTIFOLD TOWLES/TIDE PLATES/MULTIFOLD TOWLES/TIDE PLATES/MULTIFOLD TOWLES/TIDE	1,000.00 1,300.00 1,023.11
			888955		HOT CUPS/THICKSTER GLOVES HOT CUPS/THICKSTER GLOVES HOT CUPS/THICKSTER GLOVES	1,222.14 600.00
			888963		VIONEX HANDSOAP/MULTIFOLD TC VIONEX HANDSOAP/MULTIFOLD TC VIONEX HANDSOAP/MULTIFOLD TC	519.66 300.00 Total : 5,964.91
214593	9/28/2016	go055c GOPHER-IT TRENCHLESS-	G1202		SEWER REPAIRS	

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214593	9/28/2016	go055c GOPHER-IT TRENCHLESS-	(Continued)			
			G1278		SEWER REPAIRS	4,700.00
			G1279		SEWER REPAIRS	38,200.00
					SEWER REPAIRS	23,700.00
					Total :	66,600.00
214594	9/28/2016	ho175c HORIZON	1Q072209		IRRIGATION SUPPLIES - FOR 152 W	
					IRRIGATION SUPPLIES - FOR 152 W	180.74
					Total :	180.74
214595	9/28/2016	kb100c KBA DOCUSYS	INV471968		COPIE SERVICES	
					COPIE SERVICES	431.15
					COPIE SERVICES	431.15
					Total :	862.30
214596	9/28/2016	ln075c L.N. CURTIS & SONS	INV50107		CLOTHING, UNIFORMS	
					CLOTHING, UNIFORMS	257.68
					Total :	257.68
214597	9/28/2016	ma550c MARIN MUNICIPAL WATER DISTRICT	09/19/2016STMT		WATER	
					WATER	844.72
					WATER	1,163.60
					WATER	19,027.80
					WATER	173.55
					WATER	488.25
					Total :	21,697.92
214598	9/28/2016	mp101c MPLC, MOTION PICTURE LIC. CORP.	504044100		CERTIFICATE OF LICENSE	
					CERTIFICATE OF LICENSE	325.04
					Total :	325.04
214599	9/28/2016	ne040c NELSON PERSONNEL SERVICES	6138484		PART TIME HELP - LISA HARPER	
					PART TIME HELP - LISA HARPER	486.42
					PART TIME HELP - LISA HARPER - /	1.10

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214599	9/28/2016	ne040c ne040c NELSON PERSONNEL SERVICES	(Continued)			Total : 487.52
214600	9/28/2016	pa175c PACIFIC GAS & ELECTRIC	09/21/2016STMT		UTILITIES-ELECTRICITY	
					UTILITIES-ELECTRICITY	796.43
					MARIN CLEAN ENERGY	102.63
					UTILITIES-ELECTRICITY	743.97
					UTILITIES-ELECTRICITY	357.02
					MARIN CLEAN ENERGY	267.41
					MARIN CLEAN ENERGY	330.59
					MARIN CLEAN ENERGY	2,314.56
					MARIN CLEAN ENERGY	2,383.00
					MARIN CLEAN ENERGY	668.95
					UTILITIES-ELECTRICITY	2,069.04
					UTILITIES-ELECTRICITY	224.62
					UTILITIES-ELECTRICITY	456.51
					UTILITIES-ELECTRICITY	718.77
					UTILITIES-ELECTRICITY	2,268.76
					UTILITIES-ELECTRICITY	4,798.19
					UTILITIES-ELECTRICITY	840.31
					UTILITIES - NATURAL GAS	25.94
					UTILITIES - NATURAL GAS	90.86
					UTILITIES - NATURAL GAS	48.24
					UTILITIES - NATURAL GAS	93.47
					UTILITIES - NATURAL GAS	25.79
					UTILITIES - NATURAL GAS	129.82
					MARIN CLEAN ENERGY	517.21
					MARIN CLEAN ENERGY	546.19
					MARIN CLEAN ENERGY	225.28
					MARIN CLEAN ENERGY	1,299.49
					Total :	22,343.05
214601	9/28/2016	pr040c PRIME STRIPE, INC.	51175		RECREATIONAL SUPPLIES	
					RECREATIONAL SUPPLIES	2,192.75
					Total :	2,192.75

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
214602	9/28/2016	sa029c SAUL, LMFT, MARTHA	09/21/2016STMT		REFUND OF BUSINESS LICENSE REFUND OF BUSINESS LICENSE	105.75
					Total :	105.75
214603	9/28/2016	so063c SONIC.NET, INC.	09/24/2016STMT		TOWN 'DSL' LINE TOWN 'DSL' LINE	500.95
					Total :	500.95
214604	9/28/2016	sp109c SPARK	09/21/2016STMT		SLOAN BAILEY - DONATION OF MO SLOAN BAILEY - DONATION OF MO	350.00
					Total :	350.00
214605	9/28/2016	te104c TEAM GHILOTTI, INC.	817201		MARINER COVE/MARINA VILLAGE : MARINER COVE/MARINA VILLAGE :	246,455.29
					Total :	246,455.29
214606	9/28/2016	tr112c TRANSWORLD SYSTEMS INC.	1292890		COL. AGENCY AMBULANCE BILLIN COL. AGENCY AMBULANCE BILLIN	162.58
					Total :	162.58
214607	9/28/2016	un113c UNIVERSAL PRINTING	96297		OFFICE SUPPLIES OFFICE SUPPLIES	95.88
					Total :	95.88
214608	9/28/2016	vi100c VSP (CA) #00 114728 0001 MAPE, ATTN: / OCT 2016-PREMIUM			PREMIUM MEJIA, GUILLERMO RAVINA, JAMES SANTOS, VERNON VELAZQUEZ, ODILON DOWNING, GARY PAYES, EDWIN MITCHELL, MATTHEW	17.01 17.01 17.01 17.01 17.01 17.01 17.01
					Total :	119.07
44 Vouchers for bank code : bom						Bank total : 458,996.21

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<u>Voucher</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>PO #</u>	<u>Description/Account</u>	<u>Amount</u>	
44	Vouchers in this report					Total vouchers :	458,996.21



**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: SEPTEMBER 29, 2016

MEETING DATE: OCTOBER 4, 2016

TO: TOWN MANAGER, MAYOR AND COUNCIL MEMBERS

FROM: ADAM WOLFF, DIRECTOR OF PLANNING AND BUILDING

SUBJECT: **New Mixed Use Zoning District – Consideration and Possible Adoption of the following: (1) Resolution Adopting a Negative Declaration Pursuant to CEQA Guidelines Section 15074; (2) Introduction of a Zoning Ordinance Creating a New Mixed-Use Zoning District (MX-1) and Rezoning Seven Properties Along the East Side of Tamal Vista Boulevard Between Madera Boulevard and Wornum Drive (the “Tamal Vista Corridor”) from C-3 and Public/Semi Public Facilities to MX-1; and (3) Adoption of a Resolution Approving General Plan Amendments Changing the Land Use Designation for 75 Tamal Vista Boulevard from Public/Semi Public Facilities to Mixed-Use Commercial and Adding MX-1 to the List of Applicable Zoning Districts in the Mixed-Use Commercial Land Use Designation**

APPLICANT: TOWN OF CORTE MADERA PLANNING DEPARTMENT

* * * * *

PURPOSE:

The Town Council of the Town of Corte Madera is conducting a public hearing as required by the Corte Madera Municipal Code (CMMC) and California Government Code to review information, including an Initial Study/Negative Declaration prepared in accordance with the California Environmental Quality Act (CEQA), receive public comments, and evaluate applications regarding: 1) a Zoning Ordinance Amendment creating a new Mixed Use Zoning District (MX-1) and rezoning seven properties to MX-1; and 2) a General Plan Amendment changing the land use designation for 75 Tamal Vista Boulevard to Mixed-Use Commercial.

STAFF RECOMMENDATION:

Staff recommends that the Town Council, after review of all information, presentations, and public testimony, and after obtaining responses to any questions, approve Resolution

40/2016, adopting the Negative Declaration, approve Resolution 41/2016, adopting the proposed General Plan Amendments for 75 Tamal Vista Boulevard, and introduce Draft Ordinance 958, creating a new Mixed-Use Zoning District (MX-1) and rezoning seven properties (the “Tamal Vista Corridor”) to MX-1 from C-3 and P/SP zoning districts (Attachment 1).

TOWN MANAGER’S RECOMMENDATION:

Town Manager supports staff recommendations.

FISCAL IMPACT:

The adoption of the proposed Zoning Ordinance and General Plan amendments will not have an impact on the Town’s General Fund.

BACKGROUND:

RELATIONSHIP TO TAMAL VISTA CORRIDOR STUDY

The proposed Zoning Ordinance Amendment creating a new Mixed-Use Zoning District (MX-1) for the Tamal Vista Corridor represents the culmination of a 10 month process designed to fulfill the purpose of the development moratorium that was adopted by the Town Council in October 2014, and the goals and objectives of the General Plan that was adopted in 2009.

The regulations in the proposed Zoning Ordinance Amendment are derived directly from, and are intended to implement, the land use policy recommendations outlined in the Tamal Vista Corridor Study Report (the “Report”). As described in detail in the Report, which can be accessed at: <http://www.townofcortemadera.org/579/Tamal-Vista-Corridor-Study-and-Zoning-Am>, the Report’s land use policy recommendations were the product of a robust public discussion that included several workshops, neighborhood meetings, online surveys and comments, and meetings before the Planning Commission and Town Council.

Through the Tamal Vista Corridor Study, staff’s intention has been to create a linear and transparent process that involves public consultation, education, and opportunities for a dialogue between and amongst community members and staff at every point along the way. The process was designed to ensure that the rationale and decisions behind the policies and regulations proposed for the Tamal Vista Corridor are well-understood, if not supported, and that they do not come as a surprise to those that have been participating and/or otherwise following the Study process. Figure 1 on page 4 outlines the Study process up to the release of the Report on June 7, 2016.

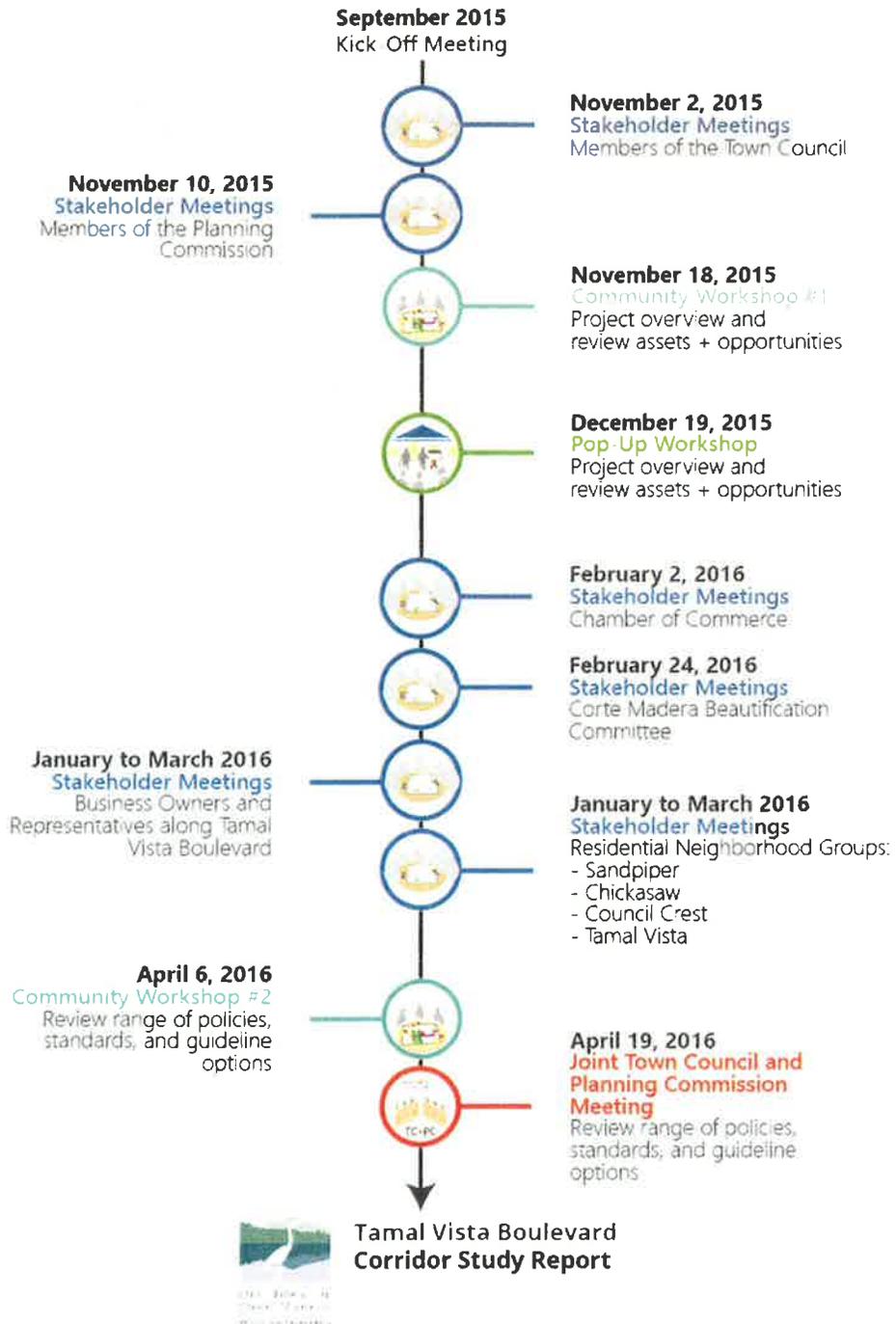
The Report detailed several policy recommendations regarding land use for the Tamal Vista Corridor related to allowable uses, density and intensity of uses, and development standards. Some of the most significant recommendations included:

- 1) adjusting the permitted and conditionally permitted commercial uses to better reflect and complement the existing residential character of the surrounding area;
- 2) conditionally permit residential uses

- 3) setting residential density at a maximum 15.1 dwelling units/acre (not including State density bonuses);
- 4) retaining commercial FAR at .34 and setting a residential FAR at maximum .3 with a requirement of .04 FAR of non-residential use;
- 5) consideration of potential increases in FAR to .50 dependent upon further study;
- 6) requiring setbacks along Tamal Vista Boulevard to facilitate streetscape improvements for pedestrians and bicyclists;
- 7) lowering the maximum height in portion of lots facing Tamal Vista Boulevard;
- 8) avoiding site plans that don't engage the street or which locate development entirely at the rear of the property; and
- 9) creation of new lighting, landscaping, and parking requirements.

A full list of all the policy recommendations and the reasoning behind them can be found on pages 26-34 of the Report.

FIGURE 1



PLANNING COMMISSION REVIEW

On June 14, 2016, the Planning Commission held a public meeting to review, receive public input, and comment on the draft Report. Meeting minutes are included in Attachment 2. In general, the Commission supported the recommendations outlined in the Draft Tamal Vista Corridor Study Report. The below summarizes the Commission's main comments expressed at the meeting.

- Consistent with the report's recommendations, the allowable commercial uses in the Corridor should better reflect the residential character of the area and provide neighborhood services and feel.
- Housing, as part of mixed commercial and residential projects, is generally appropriate in the corridor at the densities recommended. Additional consideration should be given to ways to incentivize rental housing versus condominium or "for-sale" housing. Consideration should also be given to prohibiting housing on portions of the site closest to the highway. The majority of the Commission recommends allowing housing as a conditional use as recommended in the report.
- The proposed .34 FAR is appropriate for both commercial and residential use and could be increased to .50 FAR as a way to encourage future redevelopment with public benefits, while maintaining appropriate massing and scale, but only if appropriate analyses are done that clearly demonstrate that additional intensity can be handled by existing roads and other public infrastructure. At this point, .34 FAR should be maintained.
- Beyond the initial public use setback area of approximately 20 feet recommended in the report, an additional setback should be required so that buildings are not immediately adjacent to the public use area. Consideration should be given to requiring different setback distances depending on the use.
- The height maximums of 25 feet in the neighborhood zone and 35 feet in the highway zone are appropriate, and consideration should be given to allowing some additional height for achieving architectural and/or design quality.
- Implementation of pedestrian and bicycle improvements along Tamal Vista Boulevard is critical to the future success of the corridor as a way to enhance circulation and the Corridor's aesthetic character. Efforts to obtain funding for such improvements should continue in parallel to this process and further consideration should be devoted to coordination between individual site redevelopment and Town capital projects so that implementation of streetscape improvements can be advanced as a comprehensive project.
- Parallel efforts to address traffic in the broader area surrounding the Corridor should be a Town priority.

TOWN COUNCIL REVIEW

On July 19, 2016, the Town Council held a public meeting to review, receive public input and comments, and provide direction to staff regarding the draft Report. The Town Council directed staff to prepare zoning ordinance amendments based on the findings of the report and comments received from the Council. Meeting minutes are included in Attachment 1. A general summary of comments and feedback is listed below.

- Consider creation of a zoning district exclusively for hotels and motels and apply this new district, instead of a Mixed-Use district, to those sites that are currently occupied with hotels instead of Mixed-Use.
- Warehouses and storage uses which require frequent truck loading is not appropriate for this area.
- Signage requirements should be further considered and particular attention paid to internally illuminated signs
- The rear yard setback should ensure adequate provision for a potential multi-use path in the future and confirmation should be obtained that the 20-foot front yard public use area is adequate for pedestrian and bicycle infrastructure improvements
- The inclusion of provisions to create floor area ratio incentives for projects that provide desired community benefits would be positive additions in new regulations.

PROPOSED ZONING ORDINANCE AMENDMENT (NEW CHAPTER 18.13 AND MX-1 DISTRICT)

The proposed Zoning Ordinance Amendment would replace the existing C-3 Zoning District with the new MX-1 Zoning District on the Town Zoning Map for the following properties:

- 50 Madera Blvd. (APN 024-037-16)
- 56 Madera Blvd. (APN 024-031-15)
- 21 Tamal Vista Blvd. (APN 024-031-21)
- 41 Tamal Vista Blvd. (APN 024-031-25)
- 45 Tamal Vista Blvd. (APN 024-031-28)
- 47-71 Tamal Vista Blvd. (APN 024-031-36)

and would replace the Public/Semi Public Facilities Zoning District with the new MX-1 Zoning District on the Town Zoning Map for:

- 75 Tamal Vista Blvd. (APN 024-031-26)

Attachment 3 includes graphics of existing and proposed zoning.

The proposed Zoning Ordinance Amendment would also create a new Chapter in the Corte Madera Zoning Ordinance – 18.13 – which would describe the regulations governing development in Mixed-Use Districts generally and the MX-1 Zoning District specifically (Attachment 4). This structure is borrowed from Chapter 18.12, Commercial Districts, and is intended to provide a framework for other potential Mixed-Use Districts that may be created in the future for other areas of Town (MX-2, MX-3, etc...).

Additionally, many of the performance standards, certain development standards, and uses have been carried into the MX-1 district from Chapter 18.08 – Residential Districts – and Chapter 18.12 – Commercial Districts. Given that the MX-1 district seeks to allow for a combination of commercial and residential uses, existing regulations governing such uses were utilized as a baseline from which to create MX-1 district regulations and to ensure consistency between existing and proposed regulations for commercial and residential uses where appropriate.

In order to reinforce the relationship between the policy recommendations within the Tamal Vista Corridor Study Report and the proposed regulations in the MX-1 district, the below section lists the policy recommendations from the Report followed by an explanation of how those recommendations have been implemented in the MX-1 district, including any adjustments to the policies since the publication of the Report.

- A. Add new locally-serving commercial uses found in the C-1 and C-2 district to those currently allowed in the C-3 zoning district and remove certain inappropriate “highway commercial” uses from the list of uses currently allowed in the C-3 district.

Section 18.13.020(2) of the proposed MX-1 district lists all of the permitted and conditionally permitted non-residential uses allowed in the MX-1 district in a similar format to the list of uses found in Chapter 18.08 (Residential Districts) and 18.12 (Commercial Districts). In developing the list of permitted and conditionally permitted uses, staff eliminated uses from the existing C-3 district that were believed to no longer be appropriate in the Tamal Vista Corridor and anachronistic uses no longer relevant in today’s commercial markets. This includes uses such as automobile painting, automobile sales and service agencies, carwash/mini-lube, ice vending stations, mail order and catalog sales offices, packing and crating, and refrigeration equipment sales and services, among others. At the same time, staff included uses that are currently allowed in C-1 and C-2 districts that would more likely provide services and amenities to surrounding residential communities and be more appropriate in a mixed residential and commercial context. These uses include bookstores, candy and ice cream stores, delis, drug stores and pharmacies, hobby shops, video and audio sales and service, and philanthropic and religious institutions not providing sleeping accommodations, among others.

Staff did not attempt to modify existing permitted and conditionally permitted use classifications. For example, drug stores and pharmacies are currently permitted uses in C-1 and C-2 districts and would remain permitted uses in the MX-1 district. Similarly, banks and savings and loans are conditionally permitted uses in C-1, C-2, C-3, and C-4 districts today, and would remain conditionally permitted uses in the MX-1 district. Staff notes that

changing such use classifications in the MX-1 district without changing the use classifications in C-1, C-2, and/or C-3 districts could create inconsistencies between similar commercial areas in Town and therefore decided not to alter existing use classifications at this time. A future effort to reclassify all commercial uses in Town could be undertaken if deemed needed.

Finally, a few new uses (either classified as permitted or conditionally permitted) that are not currently listed in any commercial district were added to recognize today's commercial environment. These uses include juice and smoothie shops, breweries with restaurants, chiropractic offices, co-working spaces and offices, showrooms, and schools – private for children (i.e. nursery, preschools, day or after school care, dance, language, and art).

The Planning Commission recommended that certain uses classified as conditional uses be permitted by-right, including tanning salons and aerobics studios, and recommended restaurants with less than 4,000 square feet of floor area, and juice and smoothie shops, be classified as permitted uses. See page 15 for full list of Planning Commission modifications.

B. Permit new residential uses as a conditionally permitted use provided such uses meet the proposed density and development standards described in Section 5.2 below.

Section 18.13.020(1) of the proposed MX-1 district permits residential uses consistent with the regulations governing residential uses in R-2 and R-3 zoning districts. These districts consist of the Town's multi-family residential zoning districts, and are generally found along Casa Buena and Meadowsweet Drives, Pixley, Redwood, and Willow Avenues, and at multi-family subdivisions such as Casa Madera (Sandpiper Circle) and Meadowcreek Station.

Importantly, these districts allow single family dwellings and multiple dwellings, defined as a building designed for two or more dwelling units for rent or lease, as a permitted use, but multiple houses, defined as a building designed as a multiple dwelling, for use as condominium units, co-ops, or other forms of for-sale housing, as a conditionally permitted use. After further consideration, staff believed it would be appropriate to replicate the existing regulatory framework for multi-family housing, rather than requiring a conditional use permit for all housing types. Staff also noted that the existing framework may provide some incentive for development of rental housing versus for-sale housing, something that was expressed as a positive at the Planning Commission meeting in June.

The Planning Commission recommended that the proposed provisions governing residential uses in the MX-1 district be modified to require that all residential uses, whether for rent or for-sale, be conditionally-permitted rather than by-right. See page 15 for full list of Planning Commission modifications.

C. Preserve the existing allowable intensity of .34 FAR for commercial development.

Section 18.13.145(a) of the proposed MX-1 zoning district preserves the existing allowable intensity of .34 for non-residential development.

- D. Allow residential uses at a maximum 15.1 dwelling units/acre exclusive of a density bonus, and limit total residential floor area to 0.3 FAR. For sites that include residential uses, a minimum 0.04 FAR must be utilized for locally-serving commercial or other community serving uses.

Section 18.13.145(b) of the proposed MX-1 zoning district sets the maximum residential density at 15.1 dwelling units/acre exclusive of a density bonus, but limits total residential floor area to 0.36 FAR rather than 0.3 FAR. The requirement that 0.04 FAR must be utilized for non-residential uses intended to serve the local community is included in this section as well.

During the review of the Report at the Planning Commission and Town Council meetings, staff re-evaluated the rules governing residential development in the MX-1 district and concluded that the 0.3 FAR cap on residential construction would likely fail to produce housing at the 15.1 dwelling units/acre density allowed in the district. For example, for a theoretical 2.5 acre lot, approximately 32,670 square feet of residential floor area could be constructed to accommodate 38 housing units. This equates to approximately 860 square feet per unit not including floor area devoted to common areas or other floor area not actually devoted to housing.

In order to allow additional flexibility in housing design, and a greater ability to provide for a range of unit sizes, staff believes a slight increase in allowable residential FAR is warranted. By allowing up to .36 FAR for residential uses, a 2.5 acre lot could yield 39,204 square feet for the same 38 units or an average of 1,032 square feet per unit not including floor area devoted to common areas or other floor area not actually devoted to housing. In staff's view, .36 FAR makes the MX-1 housing goals more realistic, while still maintaining a tight cap on overall building size and scale. To summarize, the maximum number of units and development standards would not change for any given site; only the size of the building(s) containing the units would be allowed to be slightly larger.

- E. Consider increasing the allowable FAR in the Corridor up to .50 (with a consistent max of 15.1 DU/AC of residential) to encourage projects that include desired community benefits or otherwise achieve Town goals.

Section 18.13.150 of the proposed MX-1 district provides three opportunities for potential development to achieve up to 0.50 FAR.

Senior Housing: A proposal for development of senior housing would be allowed to increase FAR up to a maximum 0.50, with 0.05 FAR required to be utilized for non-residential uses. In order to provide an additional incentive for the development of such use when compared to other potential development allowed by the MX-1 district, staff is proposing to allow an increase in density to 20 dwelling units/acre. The creation of housing for seniors is a stated need and desired goal in the Town as described in its Housing Element.

Affordable Housing: Housing development that receives density increases through the State density bonus law, may propose to increase FAR up to 0.50 in order to accommodate the additional housing intended to be produced on-site. A minimum 0.05 FAR would still be required to be utilized for non-residential uses. The creation of affordable housing is a stated need and desired goal in the Town as described in its Housing Element.

Please see Additional Staff Recommendations on page 16. Staff is recommending removing the potential increases in FAR up to 0.50 for Senior Housing and Affordable Housing since these increases would be more appropriately requested through the concession process associated with an application for a State Density Bonus.

Community Services or Extraordinary On-Site Public Amenities: As a way to encourage private property owners to consider developing community amenities as part of their projects, non-residential FAR may be increased from 0.34 up to 0.50 provided the Planning Commission finds that the increase in intensity is necessary to support the provision of on-site community services by a not-for-profit provider or that the proposed project provides extraordinary on-site amenities for public use and/or enjoyment.

In response to concerns raised by the Planning Commission regarding potentially increasing FAR to 0.50, a traffic study was conducted as part of the Initial Study prepared for the proposed zoning ordinance and general plan amendments. The traffic study analyzed a build out of the Tamal Vista Corridor assuming increases in FAR up to 0.50 and concluded that no intersection level of service would be reduced to a point that it would meet significant impact criteria as defined in the General Plan, primarily because the replacement of existing commercial uses with residential uses would generally reduce expected vehicle trips in the area.

Nonetheless, project-specific traffic analysis would be required by any of the proposed projects seeking to utilize the provisions of Section 18.13.150 to take into consideration the existing mix of uses and potential changes in circulation that exist at the time of application submittal.

F. SETBACKS

1. Require a minimum setback from the front property line of approximately 20 feet to be dedicated for streetscape improvements and public use. This setback would allow flexibility for future pedestrian and bike oriented improvements along the corridor (e.g., bike lanes, wider sidewalks that include amenities such as street trees, bike racks, benches, and lighting).

Section 18.13.115 of the proposed MX-1 district would require private property owners to set aside or construct at the Town's direction a maximum 20 foot wide area at the front of their property for pedestrian, bicycle, and visual streetscape improvements. This section describes the criteria that would trigger a property owner's obligation to comply with this requirement recognizing that this requirement may require significant reconfiguration of

parking and circulation areas on existing properties and that the requirement should not act as a disincentive to property owners who wish to make relatively modest upgrades/alterations to their existing buildings.

2. Beyond the minimum setback require a maximum building setback to ensure buildings along the corridor engage with the sidewalk and street or “public realm.” This would also require parking lots to be placed along the side or rear of buildings, as opposed to the large parking fields that front upon Tamal Vista Boulevard today.

Section 18.13.120 of the proposed MX-1 district sets a minimum setback distance from the above-mentioned public use area of 20 feet and a maximum setback distance of 40 feet. In addition, Section 18.13.160 requires a building to occupy a minimum 25% - 33% of the linear street frontage. These provisions are intended to ensure that buildings are located in relatively close proximity to the Tamal Vista Boulevard rather than set back in the rear of properties behind large parking fields. In addition, ample room is provided to include generous landscaping and other public amenities at the street. Since all development would be subject to Design Review (Section 18.13.197), the proper location of proposed buildings within the front setback area could be evaluated on a case by case basis.

3. Require minimum setbacks from the rear property line to ensure that buildings do not loom over Hwy. 101.

Section 18.13.135 of the proposed MX-1 district requires a minimum 50 foot setback from a property line abutting Highway 101. This is equivalent to the existing setback of the Marin Suites building (45 Tamal Vista Boulevard) from its rear property line abutting the highway. In addition, a 15 foot wide landscaped area is required adjacent to the highway that is intended to provide for plantings that would help visually screen buildings when viewed from Highway 101.

Provisions are included in this section that would allow a reduction of the setback distance to 30 feet only with approval from the Planning Commission. In either case, the setbacks required would be sufficient to allow for the construction of a potential multi-use path without impacting buildings, if the Town seeks to pursue that conceptual plan further.

In order to gain a better understanding of the various setback distances required by the proposed MX-1 zoning district, staff, with the cooperation of the property owner, has taped markers on the ground indicating various distances from the front and rear property lines at 41 Tamal Vista Boulevard (the “Cinema site”). Staff recommends visiting the site to gain a better understanding of the proposed requirements. The specific location of the markers is indicated on the graphic in Attachment 5.

G. HEIGHT AND MASSING

1. Require street facing buildings along Tamal Vista Boulevard ... be a maximum of two-stories in height (at approximately 25-30 feet) to respect the scale of surrounding development, particularly the single family homes along the west side of the corridor.
2. Allow buildings at the rear of the parcel along Highway 101 ... to be larger in scale with a maximum of three-stories and a height of 35-40 feet.
3. Require upper stories to be setback (or step backs) to reduce mass and bulk on both the Tamal Vista Boulevard and Highway 101 portions of the lots

Sections 18.13.110, 18.13.165, and 18.13.170 define a “Neighborhood Zone” and “Highway Zone” in the Tamal Vista Corridor and sets maximum height limits of 25 feet and 35 feet respectively. Height limits may be increased by five feet in each zone only with approval of specific findings by the Planning Commission. Additionally, upper stories in the “Neighborhood Zone” must be no closer than 30 feet from the public use area and stories above 25 feet in height or two stories, must be no closer than 65 feet (or 45 feet if permitted by the Planning Commission) from the property line abutting Highway 101.

H. DISTRIBUTION OF FLOOR AREA

1. Require that a minimum percentage of total floor area and/or lot coverage on the site be distributed between the “Neighborhood Zone” and “Higher Intensity Zone” to avoid the design of large expansive parking lots and to distribute floor area across relatively deep lots.

Section 18.13.155, in combination with Sections 18.13.120 and 18.13.160 related to setbacks cited above, would require at least one establishment of no greater than 5,000 square feet to be constructed in the “Neighborhood Zone” with uses intended to activate and engage the street. Establishments greater than 5,000 square feet would be allowed only with approval by the Planning Commission. These provisions would also have the effect of avoiding the development of projects that place all buildings at the rear of the property behind large parking fields.

I. OTHER STANDARDS

1. Lighting: Given the proximity of commercial uses to residential neighborhoods, lighting requirements should require the minimum necessary for safety purposes, should be Dark Sky compliant, and should incorporate features that allow for minimum impacts when not needed, such as dimmers and timers.

Section 18.13.040(4) of the proposed MX-1 district creates performance standards for exterior lighting in conjunction with new development.

2. Landscaping: Additional landscaping requirements that soften the visual mass and scale of development from the highway and Tamal Vista Boulevard should be considered.

Several sections of the proposed MX-1 district (18.13.120 – 18.13.140) require landscaping within required front, rear and side setback areas intended to buffer development from adjacent uses and provide a natural aesthetic and scale modulator for new buildings. In addition, findings associated with Design Review permits require consideration and approval of landscape plans.

3. Parking: Parking standards should ensure that adequate parking is provided for permitted uses and that parking does not occur in adjacent residential neighborhoods.

Section 18.13.185 of the proposed MX-1 district describes the requirements for off-street parking. The parking requirements were taken directly from the existing off street parking regulations in Section 18.20 of the Corte Madera Zoning Ordinance with the exception that parking requirements for efficiency or studio residential units were reduced from 1.5 parking spaces per unit to 1.0 parking spaces per unit. Existing provisions in Section 18.20 related to shared use of parking and the Planning Commission ability to require additional parking were referenced to clearly indicate the applicability of those provisions in the MX-1 district.

J. SPECIAL CONDITIONS

1. Account for unique site conditions of TD Ameritrade site given its small lot size, access from Madera Boulevard, and lack of highway frontage.

Section 18.13.195 of the proposed MX-1 district makes exceptions to several of the development standard otherwise applicable in the MX-1 district for lots with less than 20,000 square feet of net lot area. This would apply only to the TD Ameritrade site (50 Madera Boulevard).

2. Account for unique site conditions of Best Western Inn site given it is accessed from Madera Boulevard, has frontage on both Tamal Vista Boulevard and Madera Boulevard, and the Madera Boulevard frontage is not adjacent to residential uses. As a result, the conceptual approach to the development standards described above may not fit the site conditions of this site.

Sections 18.13.125, 18.13.140, and 18.13.160 include provisions that recognize the different orientation of the lot at 56 Madera Boulevard.

3. Consider the instances in which potential exceptions or variances to the development standards may be justified and add specific findings as necessary.

As described above, the proposed MX-1 district includes several provisions in several sections which provide flexibility provided that specific findings are met by the Planning Commission.

K. TRAFFIC

1. Require project-specific traffic analysis for all new redevelopment proposals in the Corridor and ensure proposals mitigate significant impacts if they exist.

As discussed on pages 7 and 79 the Initial Study prepared for the proposed general plan and zoning ordinance amendments, project-specific traffic analysis will be prepared for all new redevelopment proposals and proper mitigation measures will be required if necessary.

2. Consider requiring project-specific measures, such as incentivizing employee carpools or use of public transit, providing bike share programs, or shuttles, in conjunction with new commercial development proposals to reduce the number of vehicular trips associated with a proposed project.

For projects which require mitigation measures pursuant to project-specific CEQA analysis, and projects which require conditional use permits or other discretionary actions, project-specific measures described above may be considered as part of project approvals.

3. Continue to work independently and with the City of Larkspur and the Transportation Authority of Marin (TAM) to fund local studies and capital projects aimed at improving vehicular, bicycle and pedestrian circulation along the Tamal Vista Corridor and immediately adjacent areas.
4. Support regional efforts to improve highway interchanges and connections between Highways 101 and 580 that can reduce afternoon congestion on Corte Madera's local streets such as Wornum Drive.

In the staff reports for the June 14, 2016 Planning Commission meeting and July 19, 2016 Town Council meeting, staff included an attachment describing the various efforts underway to improve circulation surrounding the Tamal Vista Corridor area. An updated attachment, Attachment 6, has been included in this staff report.

GENERAL PLAN AMENDMENT

The proposed project includes an application to amend the General Plan by changing the General Plan land use designation for 75 Tamal Vista Boulevard (the "DMV site") from Public and Semi-Public Facilities to Mixed-Use Commercial. This land use designation change is necessary so that the application of the new MX-1 zoning district to 75 Tamal Vista Boulevard would be consistent with the General Plan. The General Plan amendment would also make minor changes to the General Plan Land Use Chapter in two instances. Attachment 7 includes graphics describing the proposed General Plan map change and the proposed text changes.

The DMV has not expressed any interest in making changes to the existing use on the site or selling the property in the near future. Nonetheless, staff believes the change in zoning and in the General Plan is warranted at this time in order to set land use policy direction comprehensively for the entire Tamal Vista Corridor as a whole. This would ensure that if the DMV at some point in the future does entertain sale of the property, new owners would

have a clear understanding of the Town's expectations and development would be subject to the same requirements as other properties subject to the MX-1 zoning.

Alternatively, a decision could be made to leave this site out of the rezoning area, leaving the existing zoning and general plan designations in place. If the site were to be sold at some point in the future, a use other than that qualifying under the Public/Semi-Public Facilities zoning district, would require a zoning and general plan amendment at that time.

PLANNING COMMISSION RECOMMENDATION

At its September 13, 2016 regularly-scheduled meeting, the Corte Madera Planning Commission recommended, by a vote of 3-1, that the Town Council adopt the Negative Declaration and approve the proposed General Plan Amendments and Zoning Ordinance Amendments with modifications. The Planning Commission Resolution 16-026 and minutes from the meeting are included in Attachment 8. The video recording of the meeting can also be viewed at: <https://www.youtube.com/watch?v=XehyOFYc6HI>. The Planning Commission made the following modifications:

- Incorporation of edits and clarifications included in the revised MX-1 district text provided by staff;
- Require all residential uses be conditionally permitted uses (requiring a conditional use permit) rather than allowing rental housing by right and for-sale multi-family housing as a conditional use;
- Changing aerobics studios, tanning salons, and waxing establishments from conditionally permitted uses to permitted uses as recommended by staff;
- Allowing juice bars, smoothie shops, and restaurants without drive thru windows and less than 4,000 square feet of floor area as permitted uses;
- Changing the definition of "substantial remodel" from "75%" of exterior walls, including roof, to "50%" of exterior walls, including roof and clarifying intent of streetscape improvement threshold in Section 18.13.115.

The proposed MX-1 district text, as modified by the Planning Commission, is included in Attachment 4.

ENVIRONMENTAL ASSESSMENT

The Town, through the Planning Department, hired Metropolitan Planning Group (M-Group) to conduct an environmental assessment pursuant to the California Environmental Quality Act (CEQA) for the proposed zoning and general plan amendments described above. In compliance with CEQA, the Town, as the lead agency, conducted an Initial Study, and on August 24, 2016, released a Notice of Intent to Adopt a Negative Declaration, which notified the public of the Planning Department's determination that the proposed General Plan and Zoning Ordinance amendments do not have a significant effect on the environment, and of the opportunity to comment on the Initial Study. The notice, which was sent by mail to all property owners in the Tamal Vista Corridor and within 600 ft. of the Tamal Vista Corridor

(and remaining properties on Chickasaw Court), was sent by email to all those who signed up to receive information regarding the Tamal Vista Corridor Study, was posted on the Town's website and sent by email to all those signed up for Planning and Building and Weekly Newsletter newsflash items, and posted at the Town's fire stations, Town Hall, library and post office, included notice of the Planning Commission public hearing on September 13, 2016.

The Negative Declaration and Appendices can be accessed on the Town's website at: <http://townofcortemadera.org/DocumentCenter/View/2269>. Resolution

In response to comments by Planning Commissioner Caldera at the September 13, 2016 Planning Commission meeting and those received on September 26, 2016 by a member of the public, staff has prepared a memo in response (Attachment 9). No other comments have been received on the Initial Study/Negative Declaration.

ADDITIONAL STAFF RECOMMENDATIONS

Since the Planning Commission public hearing, staff has continued to review the proposed Zoning Ordinance amendments and recommends a couple of additional modifications to the proposed MX-1 district. The recommended modifications include:

- Revisions to Section 18.13.150(b) striking language allowing projects seeking a State Density Bonus to increase FAR to .50 since such potential increase in FAR would be more appropriately requested through the concession process. The proposed modification would read as follows:
 - a) Notwithstanding the provisions of Section 18.13.145, residential density may be increased to 20.0 units/acre for projects that include senior housing, as defined in California Civil Code Section 51.3 (b)(1), ~~and which provided that such project~~ include deed restrictions ensuring continued use of the site for senior housing ~~and~~. ~~In conjunction with a project meeting the above criteria, floor area ratio may be increased up to .5 FAR provided that a minimum .05 FAR includes non-residential uses permitted or conditionally permitted in the MX-1 district.~~
 - b) Applications to increase density pursuant to the State Density Bonus Law (California Government Code Section 65915 – 65918) shall be made in accordance with Section 18.24.125. ~~In conjunction with such application that includes affordable housing on-site, floor area ratio may be increased up to .5 FAR provided that a minimum .05 FAR includes non-residential uses permitted in the MX-1 district.~~
- Adding certain mental health offices, specifically psychologist, psychiatric, and counseling offices, to the list of permitted uses. This would differentiate such uses from “medical offices” which require a conditional use permit.
- Modification of Section 18.13.185 related to required off-street parking adding a requirement that 2.5 spaces be provided for residential units containing 4 or more bedrooms.

CONCLUSION

The proposed General Plan and Zoning Ordinance amendments, including the creation of the new MX-1 district, is the product of an iterative public process that staff believes: 1) is responsive to and representative of the community's input and vision for the Corridor; 2) sets forth sound and responsible land use policies and regulation that will allow redevelopment and reinvestment to occur, but at a scale and with uses and improvements that better reflect and support the surrounding residential character of the area; 3) is consistent with the policies and programs identified in the adopted Corte Madera General Plan and Housing Element; and 4) provide a potential land use blueprint for other areas of Town.

Staff is hopeful that the robust public process followed to arrive at these recommendations will allow for their successful implementation with the support of Corte Madera residents, business and property owners, and other stakeholders.

Written public comments received on the proposed MX-1 zoning district are included in Attachment 10.

OPTIONS

1. Adopt Resolution 40/2016 recommending adoption of the Negative Declaration, Resolution 41/2016 recommending adoption of the proposed General Plan amendment, and introduce Draft Ordinance 958, incorporating specific modifications or commentary as necessary.
2. Request that staff provide additional information, or make modifications to the proposed General Plan and/or Zoning Ordinance amendments, and continue the public hearing to the October 18th Town Council meeting, or to date uncertain, for further review and public comment.

ATTACHMENTS

1. DRAFT RESOLUTIONS 40/2016 AND 41/2016 AND ORDINANCE 958
2. MEETING MINUTES FROM JUNE 14, 2016 PLANNING COMMISSION MEETING AND JULY 19, 2016 TOWN COUNCIL MEETING
3. EXISTING AND PROPOSED ZONING MAPS
4. PROPOSED ZONING ORDINANCE AMENDMENT (MX-1 DISTRICT), AS MODIFIED BY PLANNING COMMISSION
5. SETBACK MARKERS GRAPHIC FOR 41 TAMAL VISTA BOULEVARD
6. SUMMARY OF PROJECTS TO IMPROVE CIRCULATION SURROUNDING TAMAL VISTA CORRIDOR
7. EXISTING AND PROPOSED GENERAL PLAN LAND USE MAPS AND TEXT CHANGES
8. PLANNING COMMISSION RESOLUTION 16-2016 w/o ATTACHMENTS
9. MEMO IN RESPONSE TO COMMENTS ON INITIAL STUDY/NEGATIVE DECLARATION
10. PUBLIC COMMENT RECEIVED SINCE AUGUST 24, 2016

ATTACHMENT 1

DRAFT RESOLUTIONS 40/2016 AND 41/2016 AND ORDINANCE 958

RESOLUTION NO. 40/2016

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DETERMINING THAT THE ZONING ORDINANCE AMENDMENT (ORDINANCE 958) CREATING A NEW MIXED-USE ZONING DISTRICT (MX-1) AND REZONING SEVEN PROPERTIES LOCATED WITHIN THE “TAMAL VISTA CORRIDOR” FROM C-3 AND PUBLIC/SEMI-PUBLIC FACILITIES DISTRICTS TO MX-1, AND THE GENERAL PLAN AMENDMENT PURSUANT TO TOWN COUNCIL RESOLUTION 41/2016 WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY REVIEW ACT (CEQA) GUIDELINES ARTICLE 6 AND SECTION 15074.

WHEREAS, On April 21, 2009, the Town Council did conduct a public hearing on the Town of Corte Madera 2009 General Plan (the “2009 General Plan”), including the Revised Final Environmental Impact Report (FEIR) and its accompanying Mitigation Monitoring and Reporting Program, and did consider all oral and written testimony submitted to the Town regarding the same prior to taking its action. By Resolution No. 3595, the Town Council did certify the FEIR for the General Plan, and did consider the FEIR and identified mitigation measures prior to taking action to adopt the 2009 General Plan, including its related goals, policies and programs, by separate Resolution No. 3594; and

WHEREAS, many commercial properties adjacent to Highway 101 were re-classified from Region-Serving Commercial or Commercial Services land use designations, which did not allow residential uses, to the Mixed-Use Commercial land use designation in the Land Use Element of the 2009 General Plan; and

WHEREAS, the Mixed-Use Commercial land use designation is intended to “support infill activities, and site and building redevelopment of existing neighborhood commercial centers and along commercial corridors. Allowable uses include office, light industrial (non-manufacturing), and commercial services, as well as new housing developments;” and

WHEREAS, the 2009 General Plan, and 2011 and 2015 Housing Element updates included specific policies and programs to create a new Mixed-Use zoning district through the adoption of amendments to the Corte Madera Zoning Ordinance to implement the policies of the Mixed-Use Commercial land use designation, including allowances for residential uses, for those areas so designated; and

WHEREAS, on June 4, 2016, the Planning Department released the draft Tamal Vista Corridor Study Report (“Report”) which included a detailed review of existing conditions, analytic tools, public outreach efforts and comments, and land use policy recommendations for the Tamal Vista Corridor; and

WHEREAS, on June 14, 2016 and July 19, 2016, the Planning Commission and Town Council respectively, held duly-notice public meetings to review, receive public comment, and provide direction regarding the draft land use policy recommendations for the Tamal Vista Corridor detailed in the Report; and

WHEREAS, the Town Council, at its July 19, 2016 public meeting, directed staff to proceed

with the development of draft zoning ordinance amendments for review and consideration by the Planning Commission based on the policy recommendations included in the report and comments received by the Town Council and Planning Commission; and

WHEREAS, on August 24, 2016, the Planning Department published a Notice of Intent to adopt a Negative Declaration/Initial Study, and public hearing notice for proposed Zoning Ordinance and General Plan amendments in compliance with CEQA Guidelines Section 15072 and California Government Code Section 65854, Section 65090, and Section 65091; and

WHEREAS, The above-mentioned notice was sent by mail to all property owners in the Tamal Vista Corridor and within 600 ft. of the Tamal Vista Corridor (and remaining properties on Chickasaw Court), was sent by email to all those who signed up to receive information regarding the Tamal Vista Corridor Study, was posted on the Town's website and sent by email to all those signed up for Planning and Building and Weekly Newsletter newsflash items, was posted at the Town's fire stations, Town Hall, library and post office, and posted at the Marin County Clerk's Office.

WHEREAS, on September 2, 2016, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on September 13, 2016, the Planning Commission held a public hearing on the Initial Study/Negative Declaration, proposed Zoning Ordinance and General Plan amendments (the "Project"), received the staff report and a reviewed a presentation from the Planning Department, received comments from the public, and

WHEREAS, by Resolution No. 16-026, the Planning Commission did consider and recommend, by a vote of 3-1 (with one recused) that the Town Council find that the Project, and the policies and regulations contained therein will not have a significant effect on the environment pursuant to CEQA Guidelines Section 15074; and

WHEREAS, by same Resolution No. 16-026, the Planning Commission did consider and recommend the Town Council adopt amendments to the Town of Corte Madera Zoning Ordinance and General Plan; and

WHEREAS, on September 22, 2016, notice of the Corte Madera Town Council public hearing on the Initial Study/Negative Declaration, and proposed Zoning Ordinance and General Plan amendments was sent by mail to all property owners in the Tamal Vista Corridor and within 600 ft. of the Tamal Vista Corridor (and remaining properties on Chickasaw Court), was sent by email to all those who signed up to receive information regarding the Tamal Vista Corridor Study, was posted on the Town's website and sent by email to all those signed up for Planning and Building and Weekly Newsletter newsflash items, was posted at the Town's fire stations, Town Hall, library and post office, and posted at the Marin County Clerk's Office, in compliance with California Government Code Section 65854, Section 65090, and Section 65091; and

WHEREAS, on October 4, 2016, the Town Council of the Town of Corte Madera did conduct a public hearing on the Project, including the environmental determination, and did consider all oral and written testimony submitted to the Town regarding the same prior to taking its actions on the environmental determination pursuant to CEQA Guidelines Article 6 and Section 15074.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera does hereby find and resolve as follows:

1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

2. Record

The Record of Proceedings (“Record”) upon which the Planning Commission makes its recommendation includes, but is not limited to:

(1) the 2009 General Plan, (2) the FEIR certified for the 2009 General Plan, including the appendices and technical reports cited in and/or relied upon in preparing the FEIR, (3) the Housing Element update adopted by the Town Council in 2015, including the adopted environmental determination (4) the Tamal Vista Corridor Study Report, (5) all staff reports, Town files and records and other documents prepared for and/or submitted to the Town Council relating to the Tamal Vista Corridor Study Report and Zoning Ordinance and General Plan amendments, including the Initial Study/Negative Declaration prepared to evaluate the environmental effects of the Project (6) the recommendation of the Planning Commission (7) all documentary and oral evidence received at public hearings or submitted to the Town relating to the Tamal Vista Corridor Study Report and Zoning Ordinance and General Plan amendments related to the creation of new Zoning Ordinance Chapter 18.13 and the MX-1 zoning district, and (8) all matters of common knowledge to the Planning Commission and the Town, including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town and its surrounding areas.

The location and custodian of the Record is the Planning Director of the Town of Corte Madera, 300 Tamalpais Drive, Corte Madera, CA 94925.

3. Compliance with the California Environmental Quality Act (CEQA)

Pursuant to CEQA Guidelines Section 15074, prior to adopting the Negative Declaration prepared for the Project, the Town Council must consider the proposed Negative Declaration. The following findings must be made by the Town Council prior to adoption of the Negative Declaration:

- 1. The Negative Declaration was prepared in accordance with the California Environmental Quality Review Act.
- 2. The Town Council has considered the proposed Negative Declaration, together with all public comments received during the public review process, and based on the whole record, does not find substantial evidence that the project will have a significant effect on the environment.
- 3. The Negative Declaration reflects the lead agency’s independent judgement and analysis.

4. Pursuant to §21081.6(a)(2) of the Public Resources Code, the Corte Madera Planning Department, located at 300 Tamalpais Drive, Corte Madera, CA, is the custodian and location of the documents and other materials that constitute the record of proceedings upon which the Town Council's decision memorialized in this Resolution is based.

The Town Council of the Town of Corte Madera has reviewed the Negative Declaration and based on its independent judgement and analysis determines that the Negative Declaration was prepared in accordance with the California Environmental Quality Review Act and that based on the whole record, including public comments received during the public review process, there is not substantial evidence that the project will have a significant effect on the environment.

In particular, the Town Council has reviewed the Mandatory Findings of Significance (Chapter 4.18 of the Initial Study/Negative Declaration) and concurs with the findings that the Project will have a less than significant impact on the environment for the reasons specified.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 4th day of October, 2016, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Sloan Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

RESOLUTION NO. 41/2016

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE
MADERA AMENDING THE TOWN OF CORTE MADERA GENERAL PLAN
BY AMENDING THE LAND USE DIAGRAM OF THE LAND USE ELEMENT,
CHANGING THE LAND USE DESIGNATION FOR 75 TAMAL VISTA
BOULEVARD FROM PUBLIC/SEMI-PUBLIC FACILITIES TO MIXED-USE
COMMERCIAL AND ADDING THE MX-1 ZONING DISTRICT AS AN
APPLICABLE ZONING DISTRICT IN THE MIXED-USE COMMERCIAL
LAND USE DESIGNATION**

WHEREAS, the Town Council of the Town of Corte Madera adopted a comprehensive update to the Corte Madera General Plan on April 21, 2009 (the “2009 General Plan”); and

WHEREAS, many commercial properties adjacent to Highway 101 were re-classified from Region-Serving Commercial or Commercial Services land use designations, which did not allow residential uses, to the Mixed-Use Commercial land use designation in the Land Use Element of the 2009 General Plan; and

WHEREAS, the Mixed-Use Commercial land use designation is intended to “support infill activities, and site and building redevelopment of existing neighborhood commercial centers and along commercial corridors. Allowable uses include office, light industrial (non-manufacturing), and commercial services, as well as new housing developments;” and

WHEREAS, the 2009 General Plan, and 2011 and 2015 Housing Element updates included policies and programs to create a new Mixed-Use zoning district through the adoption of amendments to the Corte Madera Zoning Ordinance to implement the policies of the Mixed-Use Commercial land use designation, including allowances for residential uses, for those properties so designated; and

WHEREAS, in response to concerns raised by members of the Corte Madera community about potential development projects and the level of redevelopment activity in the Tamal Vista Corridor, the Town Council of the Town of Corte Madera adopted an Urgency Ordinance (No. 942) on October 7, 2014, prohibiting the granting of land use entitlements within the area bounded by Tamal Vista Boulevard to the west, Wornum Drive to the north, Hwy. 101 to the east, and Madera Boulevard to the south (the “Tamal Vista Corridor”), other than those applications for land use entitlement already deemed complete by the Planning Department. This Ordinance was extended twice, on November 18, 2014 and September 15, 2015, and will expire on October 7, 2016; and

WHEREAS, in approving and extending the Urgency Ordinance, the Town Council declared that “the Town has a responsibility to move forward with studies necessary to implement General Plan policies relating to the Tamal Vista East Corridor area in order

to identify the regulations necessary to foster an appropriate mix of uses and harmonize and prioritize the various policies relating to land use, including circulation, economic development, housing, and community design. It is important for the Town to fulfill this responsibility and look carefully at implementing regulations that balance all of the Town's policies prior to approving additional changes in land use on an individual parcel by parcel basis;" and

WHEREAS, Corte Madera Planning Department engaged the services of Metropolitan Planning Group (M-Group) in the summer of 2015 and embarked upon a comprehensive analysis and public consultation process in September 2015 (the "Tamal Vista Corridor Study"), designed to fulfill the purpose of the Urgency Ordinance and the goals and objectives of the 2009 General Plan; and

WHEREAS, the Town, through the efforts of the Planning Department, Planning Commission, and Town Council, facilitated public participation, education, significant public input, and opportunities for dialogue between and amongst various community stakeholders, Planning Department staff, and Town decision-makers, to help identify appropriate land use policy recommendations for the Tamal Vista Corridor, including policies applicable to 75 Tamal Vista Boulevard. Six community-wide meetings and approximately 10 "stakeholder" meetings with individuals, groups of Corte Madera residents, Corte Madera organizations, and property-owners were convened for this purpose; and

WHEREAS, public meetings related to the Tamal Vista Corridor Study were generally noticed on the Town's website, sent via email to subscribers of the Tamal Vista Corridor Study email group list and the Town's e-notification system, sent via mail to property owners within and within 500 feet of the Tamal Vista Corridor, and posted on the Town's Community Center reader board; and

WHEREAS, on June 4, 2016, the Planning Department released the draft Tamal Vista Corridor Study Report ("Report") which included a detailed review of existing conditions, analytic tools, public outreach efforts and comments, and land use policy recommendations for the Tamal Vista Corridor; and

WHEREAS, on June 14, 2016 and July 19, 2016, the Planning Commission and Town Council respectively, held duly-notice public meetings to review, receive public comment, and provide direction regarding the draft land use policy recommendations for the Tamal Vista Corridor detailed in the Report; and

WHEREAS, the Town Council, at its July 19, 2016 public meeting, directed staff to proceed with the development of draft zoning ordinance amendments for review and consideration by the Planning Commission based on the policy recommendations included in the report and comments received by the Town Council and Planning Commission; and

WHEREAS, on August 24, 2016, the Planning Department published a Notice of Intent

to adopt a Negative Declaration/Initial Study, and public hearing notice for proposed Zoning Ordinance and General Plan amendments in compliance with CEQA Guidelines Section 15072 and California Government Code Section 65854, Section 65090, and Section 65091; and

WHEREAS, the above-mentioned notice was sent by mail to all property owners in the Tamal Vista Corridor and within 600 ft. of the Tamal Vista Corridor (and remaining properties on Chickasaw Court), was sent by email to all those who signed up to receive information regarding the Tamal Vista Corridor Study, was posted on the Town's website and sent by email to all those signed up for Planning and Building and Weekly Newsletter newsflash items, was posted at the Town's fire stations, Town Hall, library and post office, and posted at the Marin County Clerk's Office.

WHEREAS, on September 2, 2016, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on September 13, 2016, the Planning Commission held a public hearing on the Initial Study/Negative Declaration, proposed Zoning Ordinance and General Plan amendments (the "Project"), received the staff report and a reviewed a presentation from the Planning Department, received comments from the public, and

WHEREAS, by Resolution No. 16-026, the Planning Commission did consider and recommend, by a vote of 3-1 (with one recused) that the Town Council find that the Project, and the policies and regulations contained therein, will not have a significant effect on the environment pursuant to CEQA Guidelines Section 15074; and

WHEREAS, by same Resolution No. 16-026, the Planning Commission did consider and recommend the Town Council adopt amendments to the Town of Corte Madera Zoning Ordinance and General Plan; and

WHEREAS, on September 22, 2016, notice of the Corte Madera Town Council public hearing on the Initial Study/Negative Declaration, and proposed Zoning Ordinance and General Plan amendments was sent by mail to all property owners in the Tamal Vista Corridor and within 600 ft. of the Tamal Vista Corridor (and remaining properties on Chickasaw Court), was sent by email to all those who signed up to receive information regarding the Tamal Vista Corridor Study, was posted on the Town's website and sent by email to all those signed up for Planning and Building and Weekly Newsletter newsflash items, was posted at the Town's fire stations, Town Hall, library and post office, and posted at the Marin County Clerk's Office, in compliance with California Government Code Section 65854, Section 65090, and Section 65091; and

WHEREAS, on September 24, 2016, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090, and

WHEREAS, on October 4, 2016, the Town Council of the Town of Corte Madera did conduct a public hearing on the Project, including the environmental determination, and did consider all oral and written testimony submitted to the Town regarding the same prior to taking its actions on the Project, including the proposed General Plan amendment.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Corte Madera does hereby find and resolve as follows:

1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

2. Record

The Record of Proceedings (“Record”) upon which the Planning Commission makes its recommendation includes, but is not limited to:

(1) the 2009 General Plan, (2) the FEIR certified for the 2009 General Plan, including the appendices and technical reports cited in and/or relied upon in preparing the FEIR, (3) the Housing Element update adopted by the Town Council in 2015, including the adopted environmental determination (4) the Tamal Vista Corridor Study Report, (5) all staff reports, Town files and records and other documents prepared for and/or submitted to the Town Council relating to the Tamal Vista Corridor Study Report and Zoning Ordinance and General Plan amendments, including the Initial Study/Negative Declaration prepared to evaluate the environmental effects of the Project, (6) the recommendation of the Planning Commission (7) all documentary and oral evidence received at public hearings or submitted to the Town relating to the Tamal Vista Corridor Study Report and Zoning Ordinance and General Plan amendments related to the creation of new Zoning Ordinance Chapter 18.13 and the MX-1 zoning district, and (8) all matters of common knowledge to the Planning Commission and the Town, including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town and its surrounding areas.

The location and custodian of the Record is the Planning Director of the Town of Corte Madera, 300 Tamalpais Drive, Corte Madera, CA 94925.

3. Compliance with the California Environmental Quality Act (CEQA)

Based on the fact, analysis and findings contained in Town Council Resolution 40/2016, the General Plan amendment will not have a significant effect on the environment.

4. General Plan Consistency

The Town Council of the Town of Corte Madera does hereby find that the proposed General Plan amendment to the Land Use Element to change the land use designation of 75 Tamal Vista Boulevard from Public/Semi-Public Facilities to Mixed-Use Commercial, as described in Exhibit A, is in the best interest of the Town because it sets appropriate land use policy in the event that the site, currently owned by the State of California, may be sold and/or reused in the future, however unlikely. The Town Council notes that the site has been analyzed and assessed along with all the other properties in the Tamal Vista Corridor Study and that the Report does not distinguish this site from others. The site characteristics are similar to other sites within the Tamal Vista Corridor and any potential redevelopment of the site would benefit from the requirements placed on development by the MX-1 district, particularly those related to the reservation of property adjacent to Tamal Vista Boulevard for public use.

The General Plan Amendment to add MX-1 to the list of applicable zoning districts in the Land Use Element of the General Plan, as described in Exhibit B, would update the General Plan to recognize the creation of the MX-1 zoning district and its consistency with the Mixed-Use land use designation.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Council of the Town of Corte Madera hereby adopts the General Plan Amendment, attached hereto as “Exhibits A and B.”

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 4th day of October, 2016, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

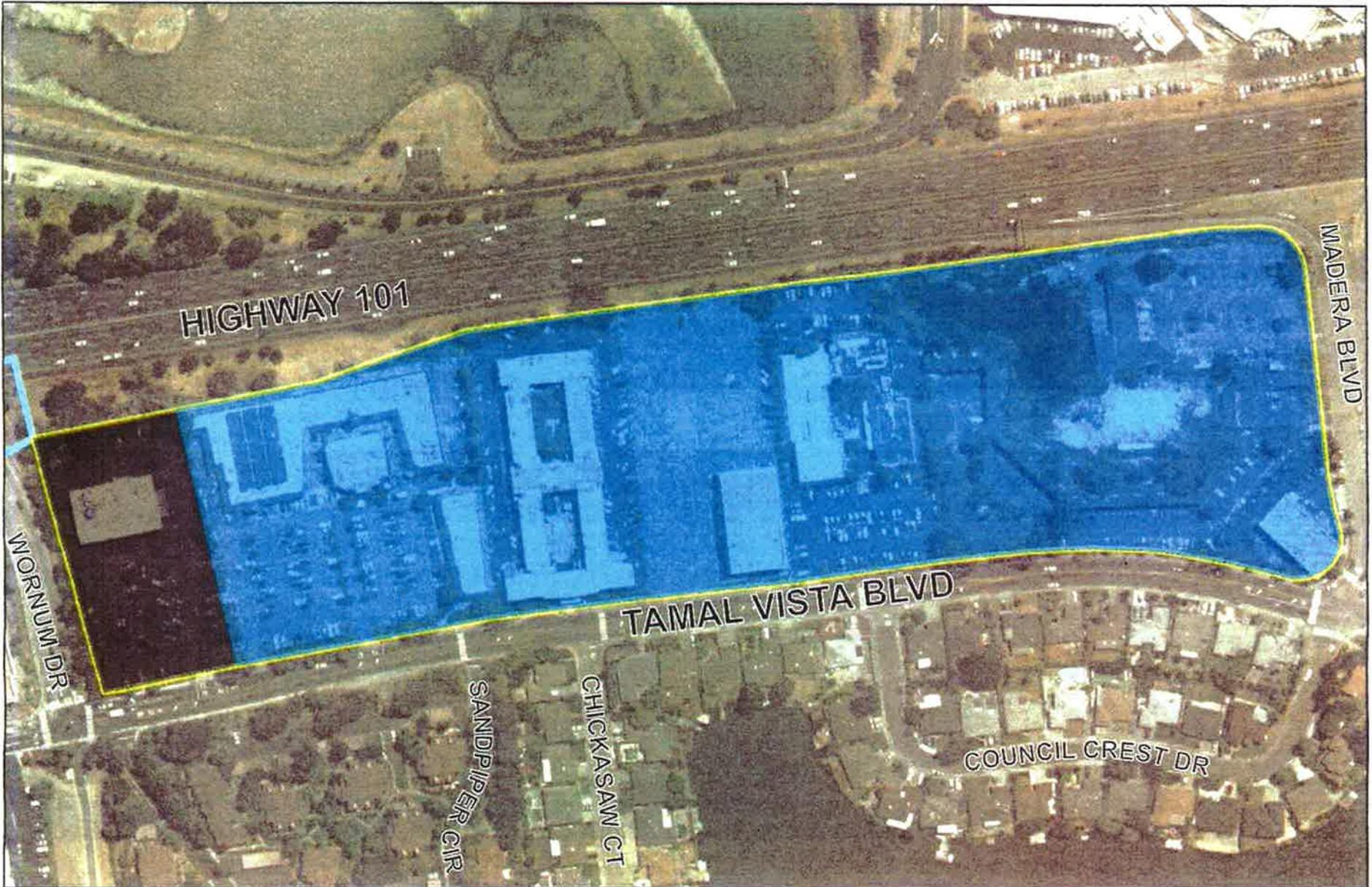
ABSENT: Councilmembers:

Sloan Bailey, Mayor

ATTEST:

Rebecca Vaughn, Town Clerk

EXHIBIT A
AMENDMENT TO GENERAL PLAN LAND USE DIAGRAM



EXISTING GENERAL PLAN LAND USE

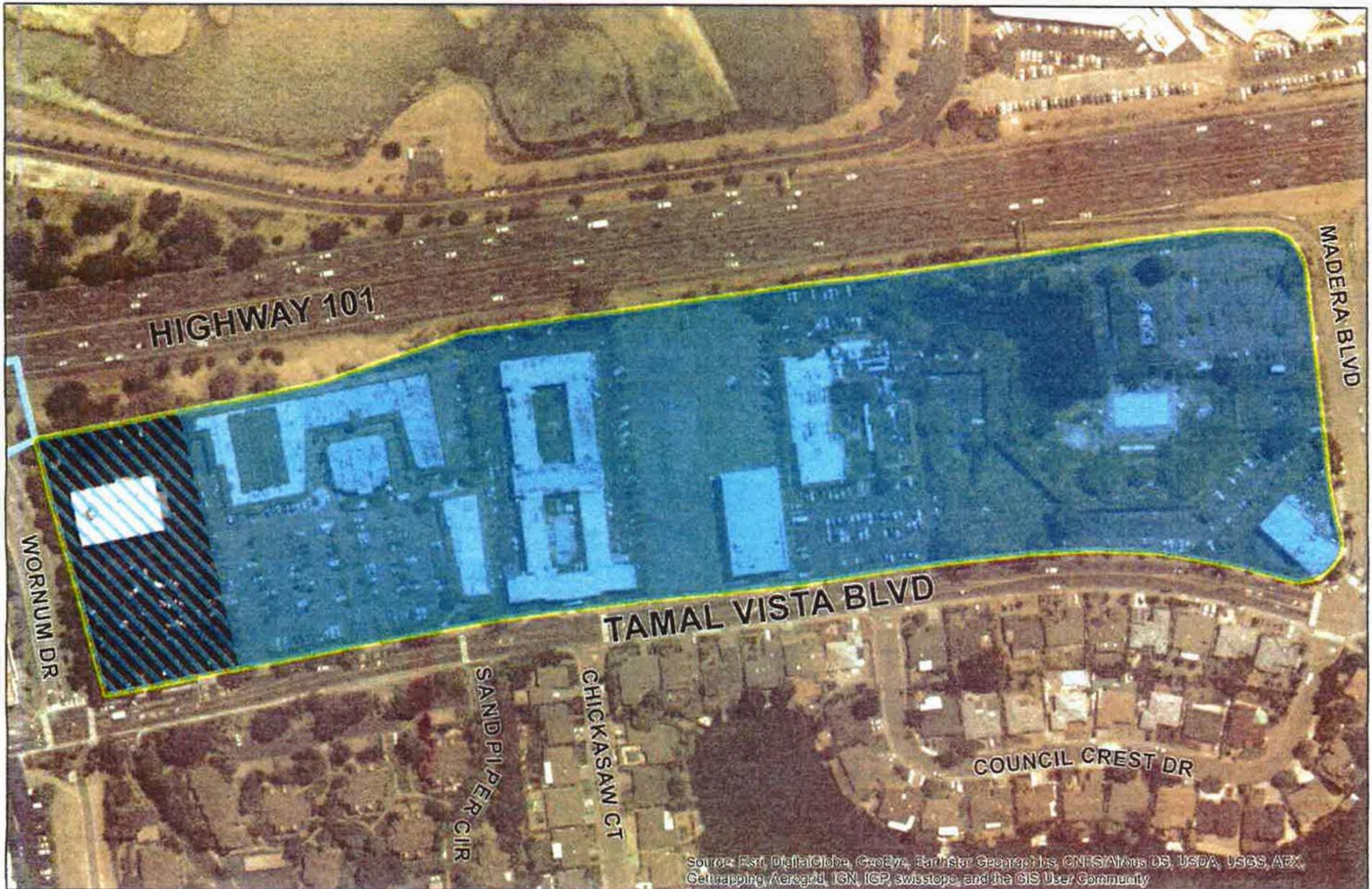
TAMAL VISTA CORRIDOR
CORTE MADERA, CA

-  MIXED-USE COMMERCIAL
-  PUBLIC & SEMI-PUBLIC FACILITIES
-  PROJECT BOUNDARY
-  CORTE MADERA TOWN LIMIT

0 150 300 450 600 Feet



FIGURE 4 ²⁹



PROPOSED GENERAL PLAN LAND USE

TAMAL VISTA CORRIDOR
 CORTE MADERA, CA



-  PROPOSED MIXED-USE COMMERCIAL
-  MIXED-USE COMMERCIAL
-  PROJECT BOUNDARY
-  CORTE MADERA TOWN LIMIT

FIGURE 50

EXHIBIT B

GENERAL PLAN TEXT AMENDMENT

The following General Plan Amendments are proposed as shown in ~~strikethrough~~ and underline below:

PG. 2-21

Mixed-Use Commercial:

This designation is intended to support infill activities, and site and building redevelopment of existing neighborhood commercial centers and along commercial corridors. Allowable uses include office, light industrial (non-manufacturing), and commercial services, as well as new housing developments. The designation is intended to encourage a variety of community activities and services to co-exist in close proximity to one-another (such as jobs, housing and services), thereby reducing the need for extensive automobile travel. Reduced parking standards may be allowed when the site is located within .25 mile of a transit stop.

Minimum Lot Size: 20,000 square feet

Floor Area Ratio: Up to .34

Approximate Development Density: From 15.1 to 25.0 dwelling units per gross acre, and up to 31.0 dwelling units per gross acre if meeting State requirements for density bonus

Approximate Population Density: From 33 to 70 persons per gross acre

Applicable Zoning Districts: O (Professional and Administrative Office District); C-1 (Local Shopping District); C-3 (Highway Commercial); C-4 (Commercial Service District); MX-1 (Mixed Use - Tamal Vista Corridor); M (Light Industrial District); AHMU (Affordable Housing Mixed-Use District); PD (Planned Development Overlay District); BRNH (Baylands Risk Zone and Natural Habitat Overlay District); also, the Town will amend the Zoning Code to include MRX (Mixed Use District),

PG. 2-21

Public and Semi-Public Facilities:

This designation includes uses that service a public or semi-public function, including public and private schools, places of religious assembly, and public buildings such as Town Hall ~~and the California Department of Motor Vehicles~~. It also allows areas necessary for public service installations, including public and

private drainage ways, retention ponds and flood control facilities, such as pump stations, floodgates and floodwalls, and other sites necessary for public facilities and services. Uses accessory to public facilities, including recreational pathways, are also allowed in this designation.

Minimum Lot Size: None

Floor Area Ratio: Up to .35

*Applicable Zoning Districts: P/SP (Public and Semi-Public Facilities District);
FC (Flood Control and*

ORDINANCE NO. 958

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA AMENDING CHAPTER 18 OF THE CORTE MADERA MUNICIPAL CODE BY CREATING A NEW CHAPTER 18.13 AND MIXED-USE ZONING DISTRICT (MX-1: 18.13.100 THROUGH 18.13.198) AND THE REZONING OF THE SEVEN PROPERTIES BOUNDED BY TAMAL VISTA BOULEVARD TO THE WEST, WORNUM DRIVE TO THE NORTH, HIGHWAY 101 TO THE EAST, AND MADERA BOULEVARD TO THE SOUTH (THE “TAMAL VISTA CORRIDOR”)

WHEREAS, from time to time it is necessary to amend the Zoning Ordinance to reflect changes in state and federal laws and/or local philosophies towards land use and development controls; and

WHEREAS, the Town did update the Corte Madera General Plan in 2009 and did cause to be prepared a Final Environmental Impact Report ("Final EIR") for the General Plan including all policies and implementation measures set forth therein (“Related Actions”), in compliance with CEQA, Public Resources Code §21000, et seq., and the CEQA Guidelines, and on April 21, 2009, the Town Council did, by the adoption of Resolution 3594 certify said Final EIR for the adoption of the 2009 General Plan and its Related Actions; and

WHEREAS, On April 21, 2009 by the adoption of Resolution 3594 the Town Council did adopt the 2009 General Plan (the “2009 General Plan”); and

WHEREAS, many commercial properties adjacent to Highway 101 were re-classified from Region-Serving Commercial or Commercial Services land use designations, which did not allow residential uses, to the Mixed-Use Commercial land use designation in the Land Use Element of the 2009 General Plan; and

WHEREAS, the Mixed-Use Commercial land use designation is intended to “support infill activities, and site and building redevelopment of existing neighborhood commercial centers and along commercial corridors. Allowable uses include office, light industrial (non-manufacturing), and commercial services, as well as new housing developments;” and

WHEREAS, the 2009 General Plan, and 2011 and 2015 Housing Element updates included policies and programs to create a new Mixed-Use zoning district through the adoption of amendments to the Corte Madera Zoning Ordinance to implement the policies of the Mixed-Use Commercial land use designation, including allowances for residential uses, for those properties so designated; and

WHEREAS, in response to concerns raised by members of the Corte Madera community about potential development projects and the level of redevelopment activity in the Tamal

Vista Corridor, the Town Council of the Town of Corte Madera adopted an Urgency Ordinance (No. 942) on October 7, 2014, prohibiting the granting of land use entitlements within the Tamal Vista Corridor, other than those applications for land use entitlement already deemed complete by the Planning Department. This Ordinance was extended twice, on November 18, 2014 and September 15, 2015, and will expire on October 7, 2016; and

WHEREAS, in approving and extending the Urgency Ordinance, the Town Council declared that “the Town has a responsibility to move forward with studies necessary to implement General Plan policies relating to the Tamal Vista East Corridor area in order to identify the regulations necessary to foster an appropriate mix of uses and harmonize and prioritize the various policies relating to land use, including circulation, economic development, housing, and community design. It is important for the Town to fulfill this responsibility and look carefully at implementing regulations that balance all of the Town’s policies prior to approving additional changes in land use on an individual parcel by parcel basis;” and

WHEREAS, Corte Madera Planning Department engaged the services of Metropolitan Planning Group (M-Group) in the summer of 2015 and embarked upon a comprehensive analysis and public consultation process in September 2015 (the “Tamal Vista Corridor Study”), designed to fulfill the purpose of the Urgency Ordinance and the goals and objectives of the 2009 General Plan; and

WHEREAS, the Town, through the efforts of the Planning Department, Planning Commission, and Town Council, facilitated public participation, education, significant public input, and opportunities for dialogue between and amongst various community stakeholders, Planning Department staff, and Town decision-makers, to help identify appropriate land use policy recommendations for the Tamal Vista Corridor. Six community-wide meetings and approximately 10 “stakeholder” meetings with individuals, groups of Corte Madera residents, Corte Madera organizations, and property-owners were convened for this purpose; and

WHEREAS, public meetings related to the Tamal Vista Corridor Study were generally noticed on the Town’s website, sent via email to subscribers of the Tamal Vista Corridor Study email group list and the Town’s e-notification system, sent via mail to property owners within and within 500 feet of the Tamal Vista Corridor, and posted on the Town’s Community Center reader board; and

WHEREAS, on June 4, 2016, the Planning Department released the draft Tamal Vista Corridor Study Report (“Report”) which included a detailed review of existing conditions, analytic tools, public outreach efforts and comments, and land use policy recommendations for the Tamal Vista Corridor; and

WHEREAS, on June 14, 2016 and July 19, 2016, the Planning Commission and Town Council respectively, held duly-notice public meetings to review, receive public comment, and provide direction regarding the draft land use policy recommendations for

the Tamal Vista Corridor detailed in the Report; and

WHEREAS, the Town Council, at its July 19, 2016 public meeting, directed staff to proceed with the development of draft zoning ordinance amendments for review and consideration by the Planning Commission based on the policy recommendations included in the report and comments received by the Town Council and Planning Commission; and

WHEREAS, on August 24, 2016, the Planning Department published a Notice of Intent to adopt a Negative Declaration/Initial Study, and public hearing notice for proposed Zoning Ordinance and General Plan amendments in compliance with CEQA Guidelines Section 15072 and California Government Code Section 65854, Section 65090, and Section 65091; and

WHEREAS, on September 2, 2016, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on September 13, 2016, the Planning Commission held a public hearing on the Initial Study/Negative Declaration, proposed Zoning Ordinance and General Plan amendments (the “Project”), received the staff report and a reviewed a presentation from the Planning Department, received comments from the public, and

WHEREAS, by Resolution No. 16-026, the Planning Commission did consider and recommend, by a vote of 3-1 (with one recused) that the Town Council find that the Project, and the policies and regulations contained therein, will not have a significant effect on the environment pursuant to CEQA Guidelines Section 15074; and

WHEREAS, by same Resolution No. 16-026, the Planning Commission did consider and recommend the Town Council adopt amendments to the Town of Corte Madera Zoning Ordinance and General Plan; and

WHEREAS, on September 22, 2016, notice of the Corte Madera Town Council public hearing on the Initial Study/Negative Declaration, and proposed Zoning Ordinance and General Plan amendments was sent by mail to all property owners in the Tamal Vista Corridor and within 600 ft. of the Tamal Vista Corridor (and remaining properties on Chickasaw Court), was sent by email to all those who signed up to receive information regarding the Tamal Vista Corridor Study, was posted on the Town’s website and sent by email to all those signed up for Planning and Building and Weekly Newsletter newsflash items, was posted at the Town’s fire stations, Town Hall, library and post office, and posted at the Marin County Clerk’s Office, in compliance with California Government Code Section 65854, Section 65090, and Section 65091; and

WHEREAS, on September 24, 2016, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090, and

WHEREAS, on October 4, 2016, the Town Council of the Town of Corte Madera did conduct a public hearing on the Project, including the environmental determination, and did consider all oral and written testimony submitted to the Town regarding the same prior to taking its actions on the Project, including the proposed Ordinance 958.

NOW, THEREFORE, the Town Council of the Town of Corte Madera hereby finds and ordains as follows:

1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

2. Record

The Record of Proceedings (“Record”) upon which the Planning Commission makes its recommendation includes, but is not limited to:

(1) the 2009 General Plan, (2) the FEIR certified for the 2009 General Plan, including the appendices and technical reports cited in and/or relied upon in preparing the FEIR, (3) the Housing Element update adopted by the Town Council in 2015, including the adopted environmental determination (4) the Tamal Vista Corridor Study Report, (5) all staff reports, Town files and records and other documents prepared for and/or submitted to the Town Council relating to the Tamal Vista Corridor Study Report and Zoning Ordinance and General Plan amendments, including the Initial Study/Negative Declaration prepared to evaluate the environmental effects of the Project, (6) the recommendation of the Planning Commission (7) all documentary and oral evidence received at public hearings or submitted to the Town relating to the Tamal Vista Corridor Study Report and Zoning Ordinance and General Plan amendments related to the creation of new Zoning Ordinance Chapter 18.13 and the MX-1 zoning district, and (8) all matters of common knowledge to the Planning Commission and the Town, including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town and its surrounding areas.

The location and custodian of the Record is the Planning Director of the Town of Corte Madera, 300 Tamalpais Drive, Corte Madera, CA 94925.

3. General Plan Consistency

The Planning Commission of the Town of Corte Madera does hereby find that the proposed Zoning Ordinance Amendments for the creation of new Zoning Ordinance Chapter 18.13 and a new MX-1 zoning district, and to rezone the seven properties that comprise the Tamal Vista Corridor, is consistent with the 2009 General Plan policies and programs, as modified by the General Plan amendment included in this resolution. The specific policies and programs on which the Planning Commission makes this finding include, but are not limited to:

Implementation Program LU-1.1a Ordinance Revisions

Prepare and adopt revisions to the Municipal Code, including the Zoning and Subdivision Ordinances, that organize and update existing resolutions and ordinances of the Town to ensure consistency with the General Plan, including land uses, lot sizes and floor area ratios. Uses and structures made non-conforming by adoption of the General Plan will be allowed to be continued, and further addressed in the Zoning Ordinance update.

The proposed Zoning Ordinance amendments to create a new Zoning Ordinance Chapter 18.13 and MX-1 zoning district, and rezone the Tamal Vista Corridor will update the existing Zoning Ordinance to make it consistent with the General Plan land use designations identified in the General Plan Land Use Diagram. The performance and development standards of the MX-1 district will ensure that the many of the design and operational goals for mixed-use development are required.

Implementation Program LU-1.1b Mixed-Use Zone

Amend the Corte Madera Zoning Ordinance to add a Mixed-Use Zone to implement the Mixed-Use designations, and apply this Zoning to lands so designated on the Land Use Diagram. Corollary changes to parking provisions of the Zoning Ordinance shall also be made to ensure adequate set-aside of parking spaces for residential uses in mixed-use developments.

The proposed Zoning Ordinance amendment to create new Zoning Ordinance Chapter 18.13 and the MX-1 zoning district responds directly to this implementation program in the General Plan and as noted in the recitals of this resolution, was the impetus for Tamal Vista Corridor Study and the proposed MX-1 district. The new Chapter 18.13 and MX-1 district will apply to six properties designated Mixed-Use Commercial on the General Plan Land Use Diagram and another that would be designated Mixed-Use Commercial with the adoption of the General Plan amendment proposed in conjunction with the zoning ordinance amendment.

Parking standards have been included in the MX-1 district to ensure that all uses within a mixed-use project are required to set aside parking for their particular use.

Policy LU-2.12

Lands designated Medium Density Residential, High Density Residential or Mixed Use shall be located in proximity to a range of supporting services and activity centers, including transit stops, schools, commercial centers, employment centers and parks.

Implementation Program 2.12a: Location of High Density Sites

Designate Medium-Density Residential, High-Density Residential and Mixed Use lands

on the Land Use Diagram in accordance with this Policy.

As described in the Tamal Vista Corridor Study Report, the Tamal Vista Corridor is located in close proximity to a variety of residential amenities including Town Center, Redwood High School, the Sandra Marker Trail, and several employment centers including the office buildings at 200 Tamal Plaza and 41 Tamal Vista Boulevard.

Policy LU-4.1

Encourage revitalization of the Town's older commercial and office centers, including Park Madera Center and Casa Buena Drive area.

Implementation Program LU-4.1.c: Commercial/Office Centers

Revise the Zoning Ordinance to provide for multiple land uses on individual lots that will complement commercial and office center activities. Multiple uses may include: retail, general commercial, restaurants, administrative and medical offices, personal services, and second-story residential uses.

The proposed MX-1 zoning district would revise the Zoning Ordinance to allow for a greater variety, and more appropriate mix of uses in the Tamal Vista Corridor area compared to what is currently allowed pursuant to the existing C-3 zoning district. The MX-1 district is consistent with the above policy and program intended to allow for the revitalization of commercial areas by permitting uses such as small cafes and restaurants and other neighborhood serving uses by right. Opportunities are also created for housing above commercial uses.

4. Relationship to Existing Applications Deemed Complete and Existing Uses

The Town Council of the Town of Corte Madera recognizes that two specific land use entitlement applications were excluded from the Town Council's Urgency Ordinance in 2014. These include land use entitlements, including General Plan and Zoning Ordinance amendments, associated with the proposed redevelopment of the Corte Madera Inn site (56 Madera Boulevard) and an application to re-zone the Market Place property (47-71 Tamal Vista Boulevard).

The Town Council, in adopting Ordinance 958 and rezoning the Tamal Vista Corridor to MX-1, does not intend to preclude these existing applications from being processed and acted upon by the Planning Commission or Town Council, if desired by the applicants. In addition, the Town Council, despite adopting new land use policy for all properties within the Tamal Vista Corridor through this Ordinance, shall review and make recommendations on the above applications without prejudice in consideration of new or different land use policy than that proposed in the MX-1 district, and base decisions on the evidence presented .

Additionally, uses made non-conforming or non-complying by adoption and enactment

of the General Plan and Zoning Ordinance amendments shall be regulated by the provisions of the Section 18.32 of the Corte Madera Zoning Ordinance (Nonconforming Uses, Structures and Sites).

5. Compliance with the California Environmental Quality Act (CEQA)

Based on the fact, analysis and findings contained in Town Council Resolution 40/2016, the adoption of Ordinance 958 will not have a significant effect on the environment.

6. Amendment

Title 18 of the Corte Madera Municipal Code is hereby amended by adding Chapter 18.13 MX Mixed-Use Districts (18.13.010 – 18.13.030) and Section 18.13.100 MX-1 Mixed Use Tamal Vista Corridor District (18.13.100 – 18.13.198) as shown in Exhibit “A.”

Additionally, the Town Zoning Map is hereby amended by changing the existing C-3 Zoning District with the MX-1 Zoning District for the following properties:

- 50 Madera Blvd. (APN 024-037-16)
- 56 Madera Blvd. (APN 024-031-15)
- 21 Tamal Vista Blvd. (APN 024-031-21)
- 41 Tamal Vista Blvd. (APN 024-031-25)
- 45 Tamal Vista Blvd. (APN 024-031-28)
- 47-71 Tamal Vista Blvd. (APN 024-031-36)

and changing the Public/Semi Public Facilities Zoning District with the MX-1 Zoning District on the Town Zoning Map for:

- 75 Tamal Vista Blvd. (APN 024-031-26)

These changes are described in Exhibit “B.”

7. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

8. Effective Date

This ordinance shall become effective 30 days after the date of adoptions.

9. Posting

The Town Clerk shall cause this ordinance to be published and/or posted within fifteen days after adoption.

* * * * *

This ordinance was introduced on the 4th day of October, and adopted on the XXth day of XXXX, by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Sloan Bailey, Mayor

ATTEST:

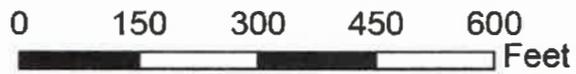
Rebecca Vaughn, Town Clerk

EXHIBIT A

**ZONING ORDINANCE AMENDMENT (NEW CHAPTER 18.13 AND MX-1
DISTRICT)**

SEE ATTACHMENT 7 OF THIS STAFF REPORT

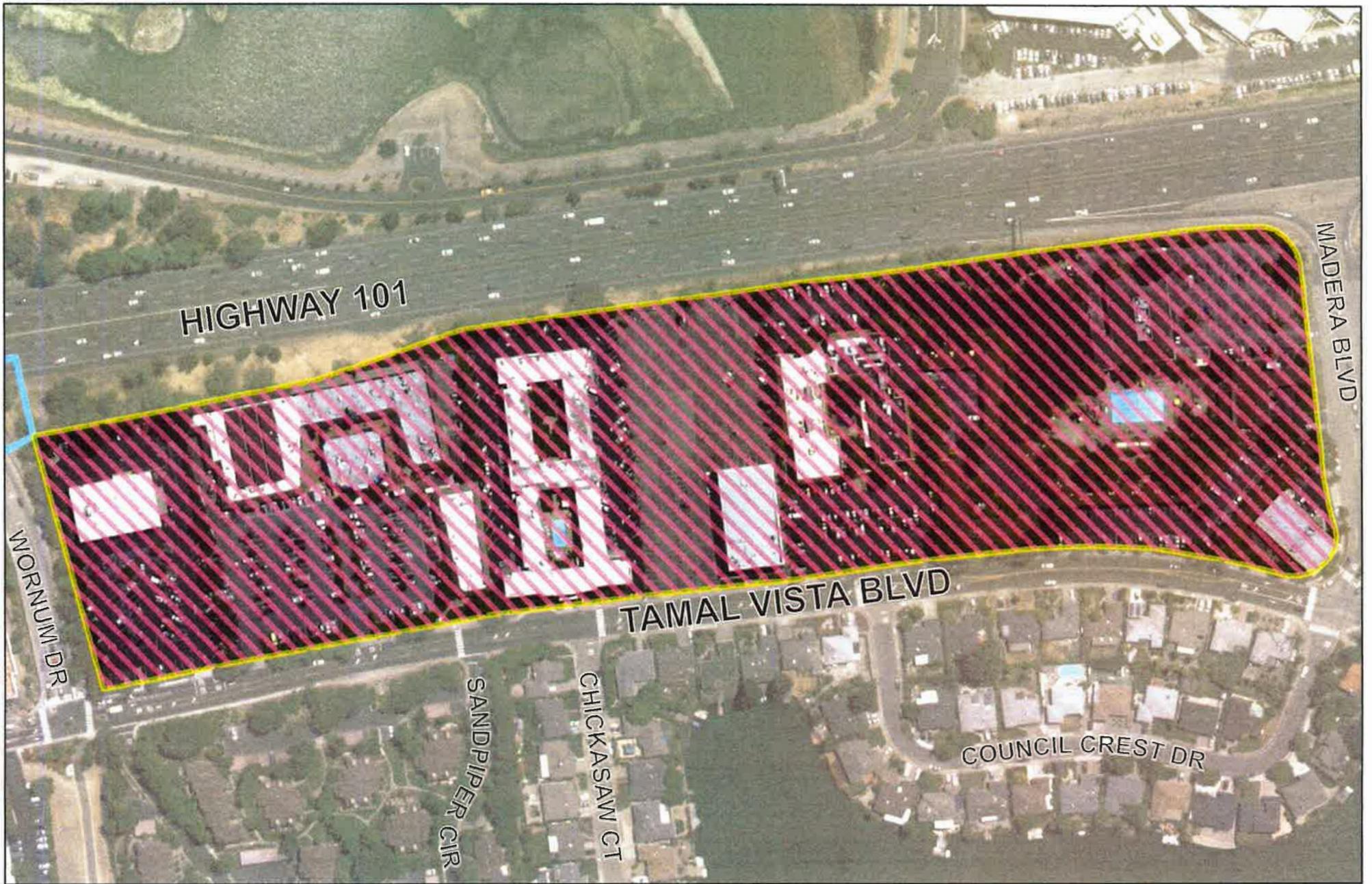
EXHIBIT B
AMENDMENT TO TOWN ZONING MAP



EXISTING ZONING
TAMAL VISTA CORRIDOR
CORTE MADERA, CA

- P/SP PUBLIC & SEMI-PUBLIC FACILITIES
- C-3 HIGHWAY COMMERCIAL
- PROJECT BOUNDARY
- CORTE MADERA TOWN LIMIT





PROPOSED ZONING
 TAMAL VISTA CORRIDOR
 CORTE MADERA, CA

-  PROPOSED MIXED-USE
-  PROJECT BOUNDARY
-  CORTE MADERA TOWN LIMIT



ATTACHMENT 2

MEETING MINUTES FROM JUNE 14, 2016 PLANNING COMMISSION MEETING AND
JULY 19, 2016 TOWN COUNCIL MEETING

AYES: Metcalfe, Bundy, Chase, McCadden
NOES: Caldera

B. CORTE MADERA TOWN CENTER – PRECISE PLAN AMENDMENT NO. PL-2016-0060 TO MODIFY FOUR STORE FRONTS JUST NORTH OF THE TOWN CENTER’S WEST ENTRY, INCLUDING REPLACING THE EXISTING FABRIC AWNINGS WITH THREE DIFFERENT AWNINGS TYPES, NEW SIDING AND NEW EXTERIOR LIGHTING. (Senior Planner Phil Boyle)

Senior Planner Boyle presented the staff report. Mr. Boyle explained that the request to amend the Precise Plan consists of the modification to four store fronts at the west entry, between Wells Fargo and Safeway. He said the changes should provide greater articulation with the addition of cornices and window details. Mr. Boyle noted the height will not change and that a materials board has been provided. He said that any sign changes will be requested under a separate application.

Mr. Boyle said that landscaping is not included in the application, but that there is an exterior lighting plan, which will be night-sky compliant with LED outdoor sconces, and will also be on dimmers and timers. Mr. Boyle concluded the staff report by confirming staff can make the findings to approve the Precise Plan Amendment and recommend that the Planning Commission does the same.

Carl Okazaki, 505 Design, explained that the changes are to the vertical surfaces on the storefront; that the height, width and footprint will not change. Mr. Okazaki said they wish to enhance the west entry with the use of materials to create visual interest and that a number of tenants are turning over and are not in a position to go through a major renovation.

Vice-Chair Metcalfe said she likes design and colors and that the changes will be an improvement.

Commissioner Bundy and Mr. Okazaki discussed second floor windows above the cleaners, which Mr. Okazaki said would provide balance to the design. In response to Mr. Bundy, Mr. Okazaki confirmed the paving and mural will remain.

Commissioner Caldera and Mr. Okazaki discussed a new material that is being introduced.

In response to Chair Chase, Mr. Okazaki confirmed the awnings above Radio Shack will be removed to provide more visibility, although there may be a preference for new awnings should there be a change of tenant. Mr. Okazaki said the landscaping in front of Radio Shack will remain.

Vice-Chair Metcalfe and Mr. Okazaki discussed the Radio Shack design.

Chair Chase opened and then closed the public comment period when no one came forward to speak.

Vice-Chair Metcalfe said she could make the findings to approve the project; that the changes are a positive improvement.

Commissioner Bundy said he thought it is a nice design; that the existing awnings look dated and faded, and that this is a nice upgrade, which he supports. Commissioners Caldera and McCadden expressed their approval of the project.

MOTION: Motioned by Commissioner Caldera, seconded by Vice-Chair Metcalfe, to approve Precise Plan Amendment No. PL-2016-0060 to modify four store fronts just north of the town center's west entry, including replacing the existing fabric awnings with three different awnings types, new siding and new exterior lighting with the findings and conditions in the staff report:

AYES: Metcalfe, Bundy, Chase, McCadden, Caldera

Senior Planner Boyle read the appeal rights.

6. BUSINESS ITEMS

A. TAMAL VISTA CORRIDOR STUDY – REVIEW AND CONSIDERATION OF FORWARDING THE DRAFT TAMAL VISTA CORRIDOR REPORT, WITH ANY RECOMMENDED CHANGES OR COMMENTS, TO TOWN COUNCIL, FOR ITS REVIEW. (Planning Director Adam Wolff)

Planning Director Wolff presented the staff report. Mr. Wolff introduced the consultant, Dave Javid of M Group, whom he said has participated in developing the draft Tamal Vista Corridor Report. He explained the purpose of tonight's discussions is for the commissioners to review the draft report, and make any recommendations, comments or improvements to the report before the Town Council's review.

Mr. Wolff discussed the approval process, including formally noticed public hearings, where any land use regulations would be implemented and CEQA analysis undertaken. He discussed the components of the report, including an outreach summary and recommendations section. Mr. Wolff noted that not all the recommendations were unanimously supported during the outreach process, particularly those relating to housing and a higher FAR, which he discussed.

Mr. Wolff discussed permitted land uses, including allowing residential as a conditionally permitted use. He discussed the reasons staff believes the corridor currently has the characteristics of a mixed use area and would be appropriate for housing because of accessibility to residential services, including transportation and public trails.

Mr. Wolff went on to discuss the recommendations concerning density, including allowing an FAR of .34 for commercial uses only. He said that staff would recommend combining this FAR with residential uses of a maximum of 15.1 units per acre for reasons he discussed, which included the ability to maintain control over the mass and scale of residential developments and the number of units that would be allowed on a site.

Mr. Wolff discussed a third density option, which would be to consider increasing the allowable FAR to .5. He discussed the reasons staff would suggest further analysis to define the kind of uses that might be appropriate for increased density.

Mr. Wolff discussed the recommendations for development standards, including setback areas for increased pedestrian and bicycle access. He discussed the option to create three zones, called the Pedestrian Zone, Neighborhood Zone, and a Higher Intensity Zone, which would allow more massing and bulk near the highway. Mr. Wolff noted that FAR and other size controls would still apply.

Mr. Wolff discussed lighting and landscape standard recommendations, noting that there are unique sites that might need different treatment, including the Corte Madera Inn, which has two frontages. Mr. Wolff explained that the object of the streetscape design guidelines is to make them consistent conditions.

Mr. Wolff discussed concerns about traffic throughout the process. Staff's recommendations would include project-specific traffic analyses and supporting projects for improved traffic circulation, which he discussed.

Mr. Wolff noted the provision of public comments that have been received since the staff report was issued.

Mr. Wolff discussed the next steps in the process which would be to implement the recommendations and move towards Zoning Ordinance amendments.

Vice-Chair Metcalfe and Mr. Wolff discussed uses in the C3 Zone, allowing residential uses under a conditional use permit and allowing an FAR of .5. Mr. Wolff noted that 5 of the 7 properties in the area under consideration have greater FARs than .34.

Commissioner Bundy discussed his support of a standard streetscape plan, the undergrounding of utilities, and creating a pedestrian/bike path along Tamal Vista. However, he asked how projects could be financed and if an increased FAR is necessary to provide economic benefit for projects. In response, Mr. Wolff said that funding is not a consideration, but the purpose is to develop improved streetscape standards that can be implemented as property development takes place.

Counsellor Propp noted that the Tamal Vista Plan would be phased in as development occurs or if funding becomes available.

Commissioner Bundy commented on his preference for the improvements to take place at a definite time, rather than in a piecemeal fashion.

Chair Chase opened the public comment period.

Barbara Becker, Council Crest Drive, said the focus should be on Tamal Vista, which she said was not designed to be a major north-south thoroughfare. She said the road is not sufficiently wide and cannot support any more traffic. Ms. Becker questioned the ability to add a bike path and asked that setbacks are required for future development on Tamal Vista.

Jack Jackowski, owner of the Market Place shopping center, discussed the challenges of permitted uses in the C3 zone and said he is pleased with the direction being considered. Mr. Jackowski commented on the focus towards community uses and the ability of businesses such as Book Passage to conform to the code. He said that the uses being considered for C1, C2 and C3 apply to what they are trying to achieve at the shopping center, which he discussed.

Chair Chase closed the public comment period.

In response to Vice-Chair Metcalfe, Mr. Wolff responded to correspondence that had been received regarding egress to the Tamal Vista units. He said that allowing south bound traffic to use Nellen Avenue should alleviate vehicular problems with egress to the property.

In response to Commissioner Bundy, Mr. Wolff said that staff would need to undertake an analysis to determine the FAR range for the C1 and C2 zoning districts.

Commissioner McCadden and Mr. Wolff discussed allowing residential development as a conditional use, rather than by right. Mr. Wolff said there was concern about developing residential uses close to the highway and that the requirement would enable the Town to study the specific use requested. Mr. Wolff confirmed that density would remain the same if a higher FAR is chosen.

Chair Chase and Mr. Wolff discussed the recommendation of a 20 foot front setback, which Mr. Wolff noted was part of the discussions on the Corte Madera Inn project and related to the pedestrian and streetscape enhancement plans.

Chair Chase discussed the potential for including a bike lane on one side of the road and a buffer zone. He noted that the report does not include the possibility of acquiring additional land, which he discussed. Mr. Wolff discussed a grant application for a bicycle and pedestrian master plan on Tamal Vista. He noted the Town is working on conceptual plans.

Chair Chase led a discussion on whether the allowable FAR of .34 should be increased and under what circumstances a higher FAR should be allowed. Mr. Javid noted that

staff has not set parameters and Mr. Wolff suggested allowing additional FAR for certain uses that might be beneficial, which he discussed.

Vice-Chair Metcalfe discussed the desirability of allowing commercial space on a first floor and live/work units above, and she referred to a specific project on Miller Avenue, Mill Valley.

Commissioner Bundy said he supports staff's recommendations to allow residential development in addition to commercial uses to serve the locals.

Commissioner McCadden discussed the importance of establishing whether a traffic issue exists, since he believes that it would be inadvisable to increase the FAR if a problem exists.

Mr. Wolff discussed the reasons he believes the stretch of property under discussion is not solely responsible for traffic problems, and Commissioner McCadden discussed the reasons he believes that an analysis is necessary in order to find solutions for traffic issues. He would recommend leaving the FAR at .34, which should only be increased after a traffic study has confirmed that there is capacity. Commissioner McCadden noted that the area is suitable for housing, given there are nearby transportation options.

Commissioner Caldera said that a traffic problem exists along the corridor and he commented on the amount of noise from the Highway that would affect residential housing nearby. He said the noise is constant and the freeway generates heat and pollution as well, and that he would favor a buffer zone between the freeway and housing for residential uses. Otherwise, he said the report offers a variety of options and has been well crafted. However, he said he would not favor an increase in the FAR without more studies.

Commissioner Bundy commented on the FAR depending on the type of use for a building, and noted that traffic and parking studies would be undertaken for individual applications. Thus, he said he could support an FAR of .5 depending on the traffic pattern that would be determined at that time.

Vice-Chair Metcalfe commented on the need for traffic studies before deciding upon an FAR of .5.

Mr. Wolff noted that the analysis would be different for an FAR of .34 compared to an FAR of .5.

Chair Chase said that, without traffic studies, the commissioners cannot recommend an FAR of .5 to the Town Council.

There was general consensus that the recommended height is acceptable with a conditional use permit for residential uses and maintaining an FAR of .34 until further

traffic studies are able to confirm that .5 is acceptable. Commissioner Bundy discussed the reasons he could support an FAR of .5.

7. ROUTINE AND OTHER MATTERS

A. REPORTS, ANNOUNCEMENTS AND REQUESTS

i. Commissioners

Chair Chase reported on his attendance of the June 6th Town Council meeting, where there was a discussion on Plan Bay Area and future consideration of Airbnb. He noted that some towns have made Airbnb illegal. Commissioner Chase also noted that the Planning Commission will be considering Junior Second Units.

ii. Planning Director

Planning Director Wolff commented on the Town's centenary celebrations and noted that he will not be attending the June 28th Planning Commission meeting, when Town Manager Bracken will be addressing encroachment permits in the Town's right of way.

iii. Tentative Agenda Items for June 28, 2016 Planning Commission Meeting

- 1. DISCUSSION OF ENCROACHMENTS ONTO TOWN RIGHTS OF WAY AND TOWN-OWNED (BUSINESS ITEM) – DISCUSSION WITH DAVE BRACKEN, TOWN MANAGER**
- 2. VERIZON STORE AT THE VILLAGE, 1500 REDWOOD HWY – TENANT IMPROVEMENTS AND STORE FRONT CHANGES TO ACCOMMODATE NEW VERIZON WIRELESS STORE.**
- 3. 220 GRANADA DRIVE – MAJOR DESIGN REVIEW PL-2016-0037 FOR THE DEMOLITION OF AN EXISTING ONE STORY RESIDENCE AND THE CONSTRUCTION OF A NEW TWO STORY SINGLE FAMILY RESIDENCE.**
- 4. 122 GROVE AVENUE – PRELIMINARY STUDY SESSION FOR THE DEMOLITION OF AN EXISTING TWO LEVEL RESIDENCE AND THE CONSTRUCTION OF A NEW THREE LEVEL SINGLE FAMILY RESIDENCE AT 122 GROVE AVENUE.**

B. MINUTES

i. Planning Commission Meeting Minutes of May 10, 2016

Page 8, second paragraph: "pedestrian crossing flags" in place of "orange flags".

ii. Planning Commission Meeting Minutes of May 24, 2016

Councilmember Andrews made a motion to approve a supplemental appropriation to fund a Crossing Guard at the Seawolf/Paradise Drive intersection for this year and request that District staff look for alternative ways to fund the Crossing Guard for next year. There was no second and the motion died.

MOTION: Moved by Condon, seconded by Andrews, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes: None)

To Approve a Supplemental Appropriation to Fund a Crossing Guard at the Seawolf/Paradise Drive Intersection for Fiscal Year 2016/17.

Mayor Bailey took a poll to determine audience members in attendance for items on the agenda. He proposed re-arranging the agenda to hear Item 7.V ahead of Item 7.IV.

MOTION: Moved by Condon, seconded by Furst, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes: None)

To Re-Arrange the agenda to hear Item 7.V ahead of Item 7.IV

7.V Review and Possible Acceptance of the Draft Tamal Vista Corridor Study Report, Including Policy Recommendations
(Report from Adam Wolff, Director of Planning and Building)

Director of Planning and Building Adam Wolff stated staff's recommendation tonight is that the Council direct staff to take the recommendations in this report as modified by the Council and direct staff to prepare zoning amendments based on the report.

Mayor Bailey asked if there was any flexibility in the proposed schedule. Mr. Wolff said staff's goal is to get a zoning amendment adopted as close to as possible to the October 7th moratorium deadline. Practically speaking, the Town has some time after that date to get something adopted; however, he did not want to extend this too far, as the Town has begun environmental assessment and two readings of the ordinance are required.

Mayor Bailey interjected and apologized to both Libby Seifel and Craig Hill. He said while the upcoming matter is very important, the meeting will go late, and he suggested the item be continued to the next meeting.

7.IV Receive and Discuss Status Report on Long Term Financial Plan
(Report from David Bracken, Town Manager, and Presentation by Consultants Libby Seifel and Craig Hill)

MOTION: Moved by Bailey, seconded by Furst, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes: None)

To continue Item 7.IV; the Status Report on the Long Term Financial Plan to August 2, 2016

Mr. Wolff referred to the Draft Tamal Vista Corridor Study Report, stating that staff is recommending the Council accept the report and its recommendations with any modifications and direct staff to prepare the ordinance amendments for the Planning Commission's review. The Council will ultimately decide to take the next step and turn the recommendations in the report into new zoning regulations that will guide land use policy along the Tamal Vista Corridor in the near and long term. He said public hearings at both the Planning Commission and Town Council will be required for the proposed amendments, and staff expects documents will be ready for consideration in September and October.

Mr. Wolff said the purpose of the corridor study was to engage residents, business and property owners and other stakeholders in a very public, Town-led process to come up with a series of specific community-supported policy regulations that would directly inform new zoning regulations. The study was undertaken with the assistance Dave Javid from the Metropolitan Planning Group (M-Group) who attended the joint Town Council and Planning Commission meeting in April.

Staff feels the process has been successful to guide land use policies along the corridor and the process and outreach will make the new regulations following this report successful. He said he would not go through the entire report this evening, noting that it has been posted on the Town's website since June 7th and he expects the final report to be completed in July.

The report is broken down into 5 chapters with much of the content being a compilation of documents used during public outreach efforts to discuss existing conditions and regulations. Chapter 4 reviews those efforts made and the feedback received. The recommendations on pages 26 to 33 are where much of the attention this evening should focus on. He presented summary slides of the meetings held and a robust outreach effort occurred over the last 8 months.

Mr. Wolff said generally the recommendation chapter was organized into land use policy themes. The first three themes related to permitted land uses, intensity/density and development standards would be used to directly guide the development of new zoning regulations which can then be translated into zoning amendments. Other recommendations would complement recommended changes to the zoning regulations but would not have to be implemented in parallel with the zoning ordinance amendment.

He said the recommendations can be viewed as a menu of policies that can either be advanced as a whole or individually, given circumstances. Staff also included in the report under each recommendation the rationale and intention behind each recommendation to bring that sense of clarity as to why they are being proposed.

- **Recommendation 1:** To allow locally serving uses. This garnered widespread support, as well as removing some uses from the C3 district such as car washes, used car lots, etc. to make it more compatible with the residential character of the area.
- **Recommendation 2:** To allow residential uses in the area as a permitted use through a CUP. There were concerns expressed about housing in close proximity to the highway, and the CUP would provide that site specific analysis to evaluate the appropriateness of location of residential uses on a particular site.
- **Recommendation 3:** This relates to the intensity and density of development on the sites. Staff recommends preserving the existing allowable commercial floor area ratio. Regarding the concept of mixed use, staff recommends a maximum of 15.1 residential dwelling units per acre, which is the minimum range as stated in the General Plan and combining that density with an FAR cap. This provides more predictability in terms of the total size of a project built at that density would look like.

Also proposed is to require that a minimum of some commercial development is included in development that proposes residential at .04 FAR, which would have to occupy the same space and be locally serving commercial. This is to keep the commercial character of the corridor intact as development occurs.

Mr. Wolff stated the third recommendation acknowledged that more consideration or thought be given to the idea of allowing FAR to increase to .5. He noted that this is something the Planning Commission discussed and they thought the .5 FAR could be appropriate; however, as to how this density affects traffic and potential strains on the

infrastructure, it was not recommended at this time. If studies came back and showed it .5 FAR could be accommodated, it may be acceptable.

Regarding development standards most relate to an idea during the meetings held of creating three distinct zones on each property on the corridor, which most are narrow and deep, stretching from Tamal Vista Corridor to the highway. There is an idea of a front setback of 20 feet to allow for public use enhancements. Beyond that, there should be another setback beyond that before a building could be located, giving it more of a neighborhood zone, a maximum height of 25 feet and a higher intensity or height zone back towards the highway end of the properties which could have more height up to about 35 feet. The Planning Commission discussed getting up to 30 or 40 feet for architectural reasons, which could be flushed out during zoning ordinance amendments.

- Other standards were recommended for lighting, landscaping and parking in terms of development standards.
- There were also needs to consider special conditions for sites that did not conform to the standard.
- Other recommendations that could be helpful moving forward include: 1) Streetscape design guidelines and 2) considering mixed use in non-residential design guidelines.

Mr. Wolff stated throughout the process there were concerns about traffic both in and around the study area. These were cited as some of the most significant issues that should be addressed and staff emphasized they were dealing with 7 properties where new land use regulations needed to be developed for those properties and they could not address broader traffic issues in the entire area through this process. However, the Town could require traffic analysis to ensure proposals mitigate impacts, consider requiring project specific measures, and continue to work on broader issues and ways to try to help alleviate some of the traffic concerns in the surrounding area. These are expressed in the report, as well as in the Attachment 2 to the staff report which is a list of things which require funding.

Next steps are to move forward to get new regulations in place as quickly as possible and in consideration of the expiration of the moratorium. Another important result is that the Town should have a follow-up effort to determine which policies may be applicable to other areas in town that have similar situations.

The draft report was presented to the Planning Commission on June 14, 2016 and the minutes of that meeting are attached to the staff report, along with a staff summary. The Commission supported the recommendations in general as outlined in the draft report.

The main comments expressed included an interest in incentivizing rental housing versus for sale housing, further study an increase of FAR and encourage reinvestment in properties, additional setbacks beyond 20 feet given the use proposed, height maximums, identify funding opportunities, coordinate individual site and Town capital projects so implementation of streetscape improvements can be advanced as a comprehensive project, and to determine how best to implement bike and pedestrian improvements along Tamal Vista Boulevard, as this was seen as a way to enhance circulation and the corridor's aesthetic character. Lastly, there was support for parallel efforts to address traffic concerns.

In conclusion, Mr. Wolff said that given the extensive public outreach conducted, the report has resulted in a set of recommendations that is responsive and representative of the community's input. It sets forth sound and responsible land use policies that will allow redevelopment and reinvestment to occur but at a scale and with uses and improvements that better reflect and support the surrounding residential character of the area. It is consistent with policies and programs identified in the General Plan and Housing Element, it provides a potential blueprint for other areas in town and it will allow for successful implementation with the support of residents, businesses, property owners and other

stakeholders.

Mayor Bailey asked if an applicant could submit an application for development in the C-3 zone after the moratorium expires. Mr. Wolff explained that the Town has been in a process that is clearly stating an intention to change regulations. Staff has reviewed vesting rights and there is no viable way that an applicant can claim they can develop something under the C-3 regulations. No permits would be granted under those regulations and the Town is in the midst of changing those regulations.

Mayor Bailey asked for the Town Attorney's opinion.

Town Attorney Riddle said their firm discussed this today about this issue. The real issue is whether someone has a vested right to continue under the current rules when the moratorium expires. When that arises, where the risk lies is when someone has received some type of entitlement from the Town already under the current rules, such as a development agreement or permit of some type and pursuant to that entitlement they may have spent funds in furthering that project.

He said his view is that people have been on notice that the rules are changing and ultimately what gets approved will be governed by the new rules that are in place at the time that application is approved or permits are issued and not at the time they actually submit their application. He thinks it is unlikely someone will have a viable claim between the time that the zoning ordinance might be finally adopted and when someone submits an application that they are entitled to develop under the previous rules.

Councilmember Andrews asked and confirmed with Mr. Wolff that regulations under the C-3 zoning would be modified and only applicable to the 7 properties in town.

Councilmember Andrews questioned when the Town would implement a zoning ordinance amendment for hotels, as 2 of the 7 parcels are hotels/motels.

Mr. Wolff stated staff is proposing changing the rules to allow for more broad uses and not specify hotel zoning only for those particular sites. What is being proposed here is to clearly have zoning which would allow hotel uses as a permitted use.

Councilmember Andrews asked if hotel zoning could apply to all parcels in the study area to varying degrees. Mr. Wolff stated what is being recommended is a district where hotels are allowed and are zoned appropriately.

Vice Mayor Furst asked if what Councilmember Andrews was getting at could be accomplished through a change in conditional use and not through zoning. She thought Councilmember Andrews was trying to codify the FAR that is allowed for hotels and motels, and maybe that is not done through zoning but through another planning mechanism such as a CUP.

Councilmember Andrews asked that within the study area, the definition of mixed use be a variety of existing zonings, such as C-1, C-2 and C-3 so the Town is doing spot zoning in the area, and two additional zones would be a zone for hotels/motels and another one would be mixed use for housing with commercial.

Mr. Wolff said the idea here is to create a list of uses that should be allowed in this corridor, for example, ranging from bakeries to hotels. These are all things that are permitted or some conditionally permitted. When proposing a new development, they should all be governed with the new rules associated with the FAR and the intensity/density requirements, setbacks, and development standards proposed. He thinks they are recommending zoning for hotels here in this area as one of the permitted uses, and in fact, those uses would be conforming to the recommendations.

Councilmember Andrews said his idea is to take a parcel and if it is a hotel, to zone it as a hotel parcel, so within the study area there is a mosaic of different zonings to reflect the best use for a particular parcel.

Councilmember Condon referred to the hotel/motel parcels and said the Town is very strongly dependent upon the TOT from hotels/motels. She asked if the current Best Western and Marin Suites could be limited to just hotel/motel use and also asked what is considered as light industrial uses.

Mr. Wolff responded that light industrial uses could be such things as woodworking uses or certain types of warehouses.

Councilmember Condon asked not to be able to implement warehouse uses across the street from what is residential. She noted the variety of uses by the DMV, the Marin Suites and Century Theater. Such a use would invite large truck traffic, affect traffic circulation and negatively impact residential areas. She asked if staff could consider eliminating light industrial use.

Mr. Wolff said warehouses are currently allowed in C-4 districts; the commercial service area. He said staff can definitely eliminate light industrial or warehouse uses. Regarding restricting the zoning to the hotel/motel use, Mr. Wolff said he did not see anything preventing a zoning ordinance amendment recommending that sites should be zoned for hotel only. He does think the narrower the zoning the more limitations are placed on what can happen on any given site. There are concerns about potential unintended consequences, but potentially this would limit the uses that can go on a particular site.

Mayor Bailey opened the public comment period.

DAVID KUNHARDT, Hill Path, said he thinks the effort has been terrific in eliciting comments on what works for nearby neighbors and what constitutes what is called "local serving and community serving" but asked that car-oriented uses be eliminated. He noted that the area was downzoned over 20 years ago to .34 FAR and there are a number of mistakes in that which are both legal, organizational and design related. Two properties conform to the .34 FAR which are the movie theater and the DMV. He asked if this is the design the Town was going for its future.

Mr. Kunhardt also disagreed with the idea that the Town should separate the conditions and design for commercial and for housing. He would go to point 5 today which will make more of the properties in this zone legal. He referred to page 29 or what is also called 35, 5 of the properties are developed at .34 FAR or above, and the whole corridor is developed at .39 FAR. He asked that the town not continue the illegality of the FAR because it will take much more time to resolve. Lastly, if the Town is serious about developing senior or affordable housing, 15 units to the acre will not work. The Town already has an affordable housing project at 30 units to the acre here. The two senior properties in Marin that are most successful are at 28 units to the acre (The Redwoods) and 60 units to the acre (Tamal Vista Ridge Apartments.)

ROBBIE PAULSON, Mohawk, said recently he learned that someone who was the only homeowner left who grew up on the block sold his house, which he said is a cycle. No one on their block was born there except him and his brother and some of the children and he hopes the Town thinks about increasing the FAR for the residential use because it is important. If the Town does not move with the times, it causes unnecessary suffering and it takes a lot out of their community.

JANE LEVINSOHN, Tamal Vista, said she is very concerned as to what the Town will turn Tamal Vista into, stating the Tamal Ridge Apartment project will not be able to rent units until after January 2017. No one knows what traffic will result from that project, said the development reminds her of a container ship that has gone ashore, and questioned what

would happen with the motel property which extends down into Tamal Vista. She asked the Council to know details about what will happen with all 7 parcels, said she would like to see more residential on the west side of Tamal Vista, but cannot imagine anything that creates more traffic on Tamal Vista.

BARBARA GARCIA, Walnut Avenue, said some recommendations in the report are very thoughtful such as the long list of uses for C-3 zoning; however, she voiced concerns regarding density going from 15.1 to 25 dwelling units per acre and up to 31 dwelling units per gross acres and meeting State requirements for density bonuses. She likes the idea of smaller retail businesses along the Tamal Vista Corridor and ones that do not produce a lot of traffic. Another concern is reducing parking requirements if a development is within $\frac{1}{4}$ mile of a transit stop and she thinks people will still drive their cars

Vice Mayor Furst requested that Mr. Wolff comment on the reduced parking requirements when development is within $\frac{1}{4}$ mile of a transit stop.

BECKY REED, Council Crest, referred to the two hotels and possibly designating them to be hotels, she asked how the Town could retroactively designate the zoning if one is sold and said she did not know how this could be done.

PETER CHASE, Chair of the Planning Commission, said the Commission spent a lot of time reviewing the report and said the issue of the FAR was important to them, as well as traffic studies. Getting beyond the current .34 FAR and assigning a .50 density would be irresponsible without a proper traffic study in place, and it is Corte Madera's and Larkspur's responsibilities to help resolve congestion. He hoped for funding for a bicycle and pedestrian walkway and that it be overlaid on the corridor so when anything transpires, a plan is in place for anything along the corridor. He strongly supports the work that has been done on the study and as a blanket C-3 zone, new uses are covered and there is enough information to write the ordinances carefully and know the intent of the Commission and the Council.

Councilmember Andrews asked Mr. Chase if the Commission was looking at the area having a little bit of housing or housing with commercial.

Mr. Chase said community input revealed that bottom floors ought to be commercial and possibly up to the street or a bit back from the street, with some incentivized housing on top if possible. He thinks if someone brought that before the Town, a mixed use could work and it could be incentivized. Also, that if not used for housing, it could be office space or something similar.

JACK JACKOWSKI, Managing Partner of the Marketplace Shopping Center, thanked Mr. Wolff and others for examining the C-3 usage and making modifications. They have owned the center for 12 years and have been working 5 years with the Town to modify the zoning on the site because so much of the C-3 use has automotive or boat components which do not fit with the Marketplace has had and currently has. They are very much in favor of the work done to date in trying to get Book Passage out of its legal non-conforming status and get some of the other uses that are neighborhood serving within the C-1 and C-2 zoning which is where they should be, and he hoped that the Town will continue to work on this.

JIMMY TURNER, Store Designer for Scandinavian Designs, owner who purchased the Century Cinema site, said they recently purchased the property at the end of last year because the cinema could not operate profitably. They are currently operating as their tenant on the site and he has reviewed the draft plan which he thinks is flexible. They have no plans at this time, but want to relocate their downtown San Rafael furniture store to the site which will most likely be positioned against Highway 101 and stepping down with more public space and community-serving smaller tenants close to Tamal Vista Boulevard. He supported the draft plan and noted that since they took over the site it was in their deed that they are restricted from operating a cinema or theater on the site. Based on the size of

their furniture store, it should allow them to rent to two or three small tenants and he hoped to further work with the Town as to those businesses.

Mayor Bailey asked if Mr. Turner considered simultaneously having both the Scandinavian Design and continuing any entertainment or movie venue. Mr. Turner said they have considered entertainment but are not allowed to operate a theater per the deed put on it by Century Cinema.

Mayor Bailey announced that the Town's rules allow for the Town Council meetings to end at 11:00 p.m.; however, the meeting can be extended by motion for another one-half hour.

Mr. Wolff said in answering questions of speakers, he had the following comments:

- Regarding the density bonus question, the maximum density would be 15.1 units per acre. If one provides a certain number of units that are affordable depending on income levels and benchmarks, the State legislature approved allowing this to developers who would qualify automatically for a density bonus which can range from 20% to 35%.
- Regarding parking, generally there are provisions that allow for the reduction of parking when housing is located in proximity to public transit. He did not believe this was a requirement, but for instance if a second unit is within ¼ mile of a transit stop, the Planning Director may not require a parking space for that second unit. This could be changed or modified in this zoning district.
- Regarding designating hotels, staff is going through a lengthy process based on existing conditions and the Town's ability to designate sites as hotel sites. This is not to say there might not be challenge to this, but there is a case one could make that it is appropriate, and the Town would need to create a zoning district that only allows for hotels/motels. Staff is not recommending this approach, but he recognized this is part of the discussion.

Vice Mayor Furst asked the Town Attorney if the Town could designate the existing hotel sites could be designated as hotel only zoning, precluding other uses of those properties and legalities.

Town Attorney Riddle said if the Town is choosing particular parcels and saying for instance two parcels are going to be zoned in a different way as opposed to a larger area, he thinks the Town would want to review this in terms of whether that might constitute spot zoning which could create problems.

Vice Mayor Furst relayed the following comments:

- Signage was not addressed in the report at all for the Tamal Vista side and the freeway side, including the internally illuminated signage, and she thinks this would be useful to consider in a future draft.
- It is important to have a rear setback on the freeway side which is in the report to prevent massing up against the freeway. However, there has been talk about setting aside a space for a potential future multi-use path. The benefit on that side is that they are not directing all bicyclists in front of driveways. She suggested considering identifying the amount the Town might need for a multi-use path.
- She would want to ensure that the 20 foot front setback for pedestrians and pathways is sufficient to allow what the Town is envisioning, along with a green space buffer. There has been some talk about what exactly the Town would want, but now is the time to ensure it is enough space for bicyclists in both directions, as well as a walkway for pedestrians and that they are separated by a small planting area or other means.
- She appreciated including consideration of a .5 FAR for projects with desirable community benefits, and she thought about senior housing.
- She recognizes the Planning Commission was concerned about traffic, and she said there are several grant proposals the Town is working on. The last one listed in the

report referred to a David Parisi study of traffic along Tamal Vista. The report shows that single occupancy vehicles during the a.m. and p.m. peak hours constitutes about 70% of all vehicles. The Town needs to apply multiple solutions to reduce traffic in small increments with the goal of getting it back to free flowing.

- Encourage carpooling and ensure bike paths and walkways are used by students.
- The report was easy to read and she thanked staff for conducting all public outreach.

Mayor Bailey agreed with Vice Mayor Furst's comments, and confirmed with Mr. Wolff that the recommendation would be direction to staff to proceed with preparing ordinance amendments based on comments heard, as well as implement revisions and/or suggestions heard this evening.

EXTEND MEETING

MOTION: Moved by Furst, seconded by Condon, and approved unanimously by the following vote: 4-0-1 (Ayes: Andrews, Condon, Furst and Bailey; Noes: Lappert)

To extend the meeting for one-half hour to 11:30 p.m.

- 7.VI Consideration and Possible Action to Approve Agreement for Shared Fire Services
(Report from Todd Cusimano, Chief of Police)

Chief of Police Todd Cusimano said he and Fire Chief Shurtz are present to answer any questions, stating the item is a follow-up from the last joint Council meeting with the City of Larkspur. He pointed out on page 2 at the top under Fiscal Impact, it speaks to Vice Mayor Furst's concerns and direction which is to ensure they manage and pay attention to how they spend and share monies to ensure it is equal on both sides. They have met with the managers and Chief Shurtz and they recommend managing reimbursement of overtime on a payroll basis. Also, on a monthly basis, they will evaluate the sharing of all costs.

They also recommend that one page 3, next steps of the Ad-Hoc Committee, that many items are concerns and expectations that were made clear from the last meeting and they will work towards these. On a monthly basis they recommend coming back to the Council and provide an update on work as well as ensuring the sharing of costs are equal. If they become unbalanced at a 5% or more increment, staff will work towards a solution and report back.

Mayor Bailey opened the public comment period, and there were no speakers.

Councilmember Condon referred to number 13 on page 4, and said Chief Shurtz reports to the Larkspur City Manager and not to the Corte Madera Town Manager. She wanted to be sure this does not continue if there is consolidation.

Councilmember Condon also said she felt that doing a formal consolidation by December 31, 2016 may be premature, as she has not seen any fiscal benefits to the Town. Lastly, on number 14; "Shared Services of Battalion Chief and Fire Marshal", she asked that Marshal be spelled with one "L".

Chief Cusimano said he works closely with the Police Council Attorney, and he said the way the consolidation is set up is that he works closer with Fire Chief Shurtz than anyone in both cities and towns. In choosing the December date in Section 18 on page 6; "Evaluation of formal consolidation of fire services" they will not be able to consolidate in December 2016, but chose this date because they felt it was enough time to merge operations, evaluate the sharing of costs and service delivery and provide feedback and update to the Councils as to whether they believe a consolidation works or not.

ATTACHMENT 3

EXISTING AND PROPOSED ZONING MAPS

ATTACHMENT 4

PROPOSED ZONING ORDINANCE AMENDMNT (MX-1), AS MODIFIED BY
PLANNING COMMISSION

PROPOSED ZONING TEXT AMENDMENT

CREATING NEW CHAPTER 18.13 – MX MIXED USE DISTRICTS AND MX-1 DISTRICT FOR THE TAMAL VISTA CORRIDOR

(REVISED BY PLANNING COMMISSION SEPTEMBER 13, 2016)

Chapter 18.13 - MX MIXED USE DISTRICTS

I. - General Provisions

18.13.010 - Purposes for all mixed use districts.

In addition to the objectives prescribed in Section 18.02.030, the mixed use districts are established by this chapter to achieve the following purposes:

- (1) To provide appropriately located areas for retail stores, offices, services, and other commercial uses offering various ranges of commodities and services scaled to meet the needs of a diverse range of customers and employers;
- (2) To provide appropriately located areas for residential uses to meet the demand for housing in close proximity to residential services and amenities, and employment opportunities.
- (3) To ensure adequate light, air, privacy, and open space for each dwelling;
- (4) To provide space for community facilities and institutions which may be appropriately located in mixed use areas;
- (5) To provide adequate space to meet the needs of commercial and residential development, including off-street parking and truck loading areas;
- (6) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- (7) To ensure that the appearance of commercial and residential structures and uses complements existing development and is consistent with the visual character of the town;
- (8) To provide employment opportunities close to home for residents of the Town and the surrounding area, thereby minimizing the length or necessity of vehicular commuting;
- (9) To encourage the production of housing in close proximity to residential services and amenities thereby minimizing the need for vehicular trips;
- (10) To provide adequate pedestrian and bicycle infrastructure in commercial areas to encourage alternative modes of transportation;
- (11) To improve the visual appearance of development from the street by promoting the location of parking to sides and rear of lots and by encouraging landscaping and amenities that facilitate public interaction with and use of private property; and
- (12) To provide predictable building sizes and forms irrespective of use.

18.13.020 - Permitted and conditional uses in Mixed Use districts.

1) Residential Uses

a) All uses in Section 18.08.020 listed in the Permitted Uses Tables shall be permitted, except that the following uses shall be conditionally permitted:

Single-family dwellings

Multiple dwellings

Residential care facilities as defined in Section 18.04.650

Group homes for six or fewer persons

b) All uses in Section 18.08.020 listed in the Conditional Uses Table shall be conditionally permitted.

2) Non-residential Uses

The following table indicates permitted (P) and conditionally permitted (C) uses in Mixed Use Districts

Uses	Mixed Use ¹ (MX-1)
Accessory structures and uses on the same site	P
Accessory structures and uses located on the same site with, and necessary for, the operation of a conditional use.	C
Animal boarding	C*
Apparel stores	P
Appliance stores	P
Art and artists' supply stores	P
Art galleries	P
Arts and crafts schools and colleges	p*
Automobile supply stores without automobile servicing	p*
Banks and savings and loans	C
Bakeries, including baking for sale on-premises only	P
Bar/cocktail lounges	C
Barbershops and beauty shops	P
Barber and beauty schools	p*
Bed and breakfast inns	C

¹ Uses with an asterisk (*) may not be located in the Neighborhood Zone (see Section 18.13.155).

Uses	Mixed Use ¹ (MX-1)
Bicycle shops	P
Blueprint and photocopy services	P
Bookstores and rental libraries	P
Bowling alleys	P
Brewery with restaurant	C
Business and professional schools	P*
Business and office services, including copy services	P
Butcher shops	P
Churches & other religious institutions without sleeping facilities	C
Camera and photography shops	P
Candy stores and confectioneries	P
Catering establishments without restaurant or cafe	P*
Catering establishments with restaurant or cafe	C
China and glassware stores	P
Chiropractic offices	P
Christmas-tree-sale lots	P
Cleaning service and pick-up agencies without bulk cleaning service	P
Clothing stores	P
Commercial amusement devices (two or fewer)	P
Commercial amusement devices (three or more)	C
Commercial recreation	C

Uses	Mixed Use ¹ (MX-1)
Convenience store	C
Copy service, including Faxing	P
Co-working spaces and offices	P
Curtain and drapery shops, size	P
Delicatessen stores	P
Department stores	C*
Drug stores and pharmacies	P
Electrical appliance sales and repair stores	P
Electronic parts and equipment sales	C
Employment agencies	p*
Establishments with live and/or amplified music or sound	C*
Finance companies	p*
Floor covering shops	P
Florists	P
Furniture stores	P
Gift shops and greeting card shops	P
Grocery stores	P
Gymnasium and athletic clubs, including health studios, aerobics studios, and weight reducing salons	P
Hardware and paint stores	P
Hobby shops	P
Hospices	C
Hotels and motels	C

Uses	Mixed Use ¹ (MX-1)
Ice cream and frozen yogurt stores	P
Interior decorating shops, with incidental retail sales	P
Jewelry stores	P
Juice and smoothie shops	P
Keeping of chickens excluding roosters, quacking ducks, guinea fowl or pea fowl) per Chapter 18.21	P
Keeping of chickens (excluding roosters, quacking ducks, guinea fowl or pea fowl) and/or honey bees (apis Mellifera) per Chapter 18.21	C
Laundries, self-service or coin-operated	P
Laundry service and pick-up agencies without bulk laundering service	P
Leather goods and luggage stores	P
Liquor stores and bottle shops	C
Locksmiths	P
Mailing service	P
Medical and orthopedic appliance stores	P
Medical and dental offices and clinics	C
Medical, dental and optical laboratories	P*
Mobile food catering	C
Mortuaries	C*
Music and dance studios	P
Music stores	P
Musical instrument repair shops	P

Uses	Mixed Use ¹ (MX-1)
Nurseries and garden supply stores, provided all equipment, supplies, and merchandise other than plants are kept within a completely enclosed building, or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only	P
Office and business machine stores	P
Offices and office buildings	p*
Optician and optometric shops	P
Paint, glass and wallpaper stores	P
Parking lots improved in conformity with the provisions of Chapter 18.20	C
Pet and bird stores	P
Philanthropic and eleemosynary institutions which do not provide sleeping accommodations	C
Photographic developing and printing	P
Photographic supply stores and studios	P
Picture framing shops	P
Postal box rentals	P
Prescription pharmacies	P
Printing, publishing, lithography and engraving	C*
Pumpkin patch display and sales	P
Private clubs and lodges which do not provide sleeping accommodations	C
Public utility and public service structures or installations when found by the planning commission to be necessary for the public health, safety or welfare	C

Uses	Mixed Use ¹ (MX-1)
Radio and television broadcasting studios	P
Radio, stereo and television sales and repair	P
Restaurants and cafes, without drive-up windows	C
Restaurants and cafes, without drive-up windows, limited to 4,000 gross square feet of floor area	P
Scientific instrument shops	P
Schools – private for children (i.e. nursery, preschools, day or after school care, dance, language, art)	P
Shoe repair shops	P
Shoe stores	P
Showrooms	P*
Skating rinks within buildings	P
Spa, health and beauty salon, including waxing and tanning	P
Specialty retail stores not otherwise listed	C
Sporting goods store	P
Stationery stores	P
Stock brokerages	C
Supermarkets (greater than ten thousand square feet in area)	C*
T-shirt shops	P
Tailor and dressmaking shops	P
Ticket and travel agencies	P
Theaters and auditoriums within buildings	C
Tool and cutlery sharpening or grinding	P

Uses	Mixed Use ¹ (MX-1)
Toy stores	P
Tutoring spaces	P
Upholstery shops	P
Uses open for business after 11 p.m. and 6 a.m.	C
Variety stores	P
Veterinarians' offices and small animal hospitals, including short-term boarding of animals and incidental care such as bathing and trimming, provided all operations are conducted entirely within completely enclosed building which complies with specifications of soundproof construction which shall be prescribed by the planning commission.	C*
Video stores	P
Video and audio sales and service	P
Watch and clock repair shops	P
Word processing offices	P*
Yard goods stores	P
Large family day care home	C*
Nonprofit library, nonprofit art gallery, or nonprofit museum	P
Noncommercial community center or similar facility (i.e. senior center, intergenerational center)	C
Noncommercial recreation center, park, swim club or similar facility	C
Public utility or public service structure or installation, when found by the planning commission to be necessary for the	C

Uses	Mixed Use ¹ (MX-1)
function of a conditional uses	
Speculative grading and certain structures as defined in Section 18.24.100	C

18.13.030 - Required standards in mixed use districts.

The following conditions shall be required for all permitted uses and conditional uses:

- (1) Except as otherwise provided in the district regulations, required yards adjoining streets may be used for landscaping, including landscape design elements such as benches, art, and water features, access drives, walkways, lighting standards, guard railings and signs, in accord with the provisions of Chapter 18.22, Signs.
- (2) All service areas, refuse collection areas and trash bins shall be completely screened by a landscaped solid fence, landscaped masonry wall or compact evergreen hedge not less than six feet in height, with solid gates, or shall be enclosed within a building.
- (3) All off-street loading facilities shall provide for direct loading or transfer of materials and equipment directly to or from vehicles into a building. All loading facilities shall be screened to limit visual impacts on residential uses either on the same site or adjacent sites, and from public streets.
- (4) All exterior lighting shall be dark sky compliant, and designed, located and lamped in order to prevent overlighting, energy waste, glare, light trespass, and unnecessary skyglow. All parking lot area lights shall be full cutoff luminaires, as certified by the manufacturer, with the light source directed downward and away from residences with the fixture level with the horizontal plane; shall not exceed 20 feet in height; shall be equipped with timers and motion sensors that are utilized to reduce energy use when not necessary. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. All other luminaires shall be shielded with an opaque material and located or directed so as to not produce glare or direct illumination across a property line. Bollard lighting may be used to light walkways and other landscape features, but shall cast its light downward.

No internally illuminated fascia, wall, roof, awning or other building part shall be allowed. Floodlights are not permitted and all nonessential exterior lighting associated with nonresidential uses shall be turned off within ½ hour after the close of business or when the non-residential use is not in use.

- (5) No use shall be permitted and no process, equipment or material shall be employed which is found by the planning commission to be objectionable to persons residing or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes,

noise, vibration, illumination, glare, or heavy truck traffic, or to involve any hazard of fire or explosion.

- (6) All mechanical, heating and air conditioning equipment located on the roof of a structure shall be screened from public view.
- (7) No exterior loudspeaker shall be allowed.
- (8) Recycled water and double piping may be required for any new development.
- (9) All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except off-street parking and loading areas, outdoor dining areas, nurseries, garden supply stores, Christmas-tree-sales lots, and pumpkin patch displays and sales. A use not conducted entirely within a completely enclosed structure may be required by the planning commission to be wholly or partially screened by a solid fence, masonry wall, or compact evergreen hedge not less than six feet in height.
- (10) All products produced on the site of any of the permitted or conditional uses shall be sold primarily at retail on the site where produced.
- (11) Outdoor product displays raised above the ground and not screened from view by a fence, wall, or hedge, and equipment raised into a display position above the peak of the roof, shall not be permitted.
- (12) Convenient, continuous, and safe pedestrian walkways shall be provided for any new development, linking businesses and residential entries to on-site parking areas, and public areas, including public sidewalks.
- (13) A maximum of one access driveway and curb cut shall be permitted per street frontage for all new development
- (14) All landscaped areas shall feature water conserving landscape design and be equipped with an automatic irrigation system and shall comply with the provisions of Section 18.24.110 (Maintenance of Landscaped Areas). A landscape plan, showing the locations and varieties of plants, materials and specifying provisions for maintenance, shall be submitted for design review approval as prescribed in Chapter 18.30, Design Review.
- (15) For all sites that include residential uses, the provisions of 9.36.030 (Specific Maximum Noise Levels) related to R-1-A, R-1, R-2 shall apply to all uses on such site. For all sites that include commercial-only uses, the provisions of 9.36.030 related to Commercial districts shall apply.

II. - MX-1 Mixed Use Tamal Vista Corridor District

18.13.100 - Purpose

The MX-1 district is intended to implement General Plan land use policies adopted for the Tamal Vista Boulevard commercial area between Madera Boulevard and Wornum Drive and the recommendations of the Tamal Vista Corridor Study Report. The MX-1 district is intended to create a mixed residential and non-residential district, where such uses coexist on a single site or across multiple sites, while reinforcing and supporting existing commercial uses and enhancing the amenities available to surrounding residential communities.

A primary purpose of the district is to facilitate the improvement of the eastern Tamal Vista Boulevard streetscape by ensuring that new development facilitates upgrades to sidewalks and bicycle infrastructure, and add pedestrian scaled development that serves to enhance the vitality and appearance of the adjacent properties. Such improvements are also intended to facilitate greater pedestrian and bicycle traffic along the corridor and provide a suitable means of travel between new and existing residential development and the retail services, shops, and restaurants at the Town Center, thereby reducing otherwise needed vehicle trips.

The MX-1 district is also intended to result in development that is better integrated into the existing residential neighborhoods along Tamal Vista Boulevard by limiting the scale of development closest to Tamal Vista Boulevard, requiring adequate setbacks, and defining a range of commercial uses more appropriate in a residential setting.

18.13.105 - Generally

The regulations set forth in Sections 18.13.110 through 18.13.198 shall apply to the site of a permitted use or a conditional use in the MX-1 district.

18.13.110 – Definitions

1) Streetscape Improvement Area

A maximum 20 foot wide area, measured parallel to any property line adjoining the Tamal Vista Boulevard right of way, provided for the purpose of constructing streetscape improvements in accordance with Section 18.13.115.

2) Neighborhood Zone

The area of a site between the Streetscape Improvement Area and the Highway Zone.

3) Highway Zone

The area of a site measured from a line 125 feet from and parallel to any property line adjoining the Tamal Vista Boulevard right of way to any property line adjoining the Highway 101 right of way. The Highway Zone may be modified in accordance with Section 18.13.175.

4) Substantial Remodel

The removal and reconstruction or reconfiguration of more than 50% of a structure, or portion of a structure, measured by the total surface area of exterior walls and roof removed over any consecutive five-year period of time. Removal of a structure which does not include reconstruction or reconfiguration of any portion of such structure shall not be deemed a substantial remodel.

18.13.115 – Streetscape

a) For any development that increases the existing floor area on any lot by more than 25 percent, or for reconstruction or reconfiguration of existing buildings that includes a substantial remodel and effects 25 percent or more of the existing gross floor area on a lot, a maximum 20 foot wide area, measured parallel to any property line adjoining the Tamal Vista Boulevard right of way (“Streetscape Improvement Area”), shall be provided for the purposes of providing streetscape improvements. The Town Engineer or his/her designee shall determine the required Streetscape Improvement Area, not to exceed 20 feet in width, necessary to accommodate the required improvements.

b) As part of any development meeting the requirements of 18.13.115(a), development of streetscape improvements, including but not limited to, pedestrian and bicycle circulation paths, landscaping, and the undergrounding of utility poles, shall be completed to the satisfaction of the Town Engineer or his/her designee. Streetscape improvements shall be made available for public use and shall provide convenient access to commercial and/or residential property located on the site.

Alternatively, at the sole discretion of the Town Engineer or his/her designee, a Streetscape Improvement Area may be held in reserve, landscaped, and an in-lieu fee collected equal to the estimated cost of otherwise required streetscape improvements, for the sole purpose of constructing streetscape improvements in conjunction with other street improvement projects planned for Tamal Vista Boulevard adjacent to the MX-1 district. Cost estimates shall not include costs associated with realigning the Tamal Vista Boulevard roadbed or curb lines. The cost estimation shall be conducted by a certified construction cost estimator.

Streetscape improvements or an in-lieu fee shall not be required if the Town Engineer or his/her designee determines that adequate streetscape improvements, in conjunction with prior Tamal Vista Boulevard improvement projects, have already been made on the project site or adjacent right of way.

c) For the purpose of calculating floor area ratio, residential density, lot coverage, or any other development standard that relies upon a calculation of lot area, the Streetscape Improvement Area shall be included in the total lot area of the site.

18.13.120 – Yards adjoining Tamal Vista Boulevard

a) A front or side yard adjoining Tamal Vista Boulevard shall be measured from the eastern boundary of the Streetscape Improvement Area required in Section 18.13.115.

b) The minimum required front or side yard adjoining the Streetscape Improvement Area shall be 20 feet.

c) The maximum required front yard adjoining the Streetscape Improvement Area shall be 40 feet.

d) The uses listed in 18.13.030(1) may be permitted within a required front or side yard adjoining the Streetscape Improvement Area. In addition, publicly accessible seating areas, bicycle parking, and outdoor dining or seating areas limited to 500 square feet, associated with a restaurant, café, grocery store, delicatessen, or other use with food or drink service, may be permitted, provided that if such use requires a conditional use permit pursuant to Section 18.13.115, the outdoor dining or seating area shall also be subject to a conditional use permit.

e) Required Front or side yards adjoining the Streetscape Improvement Area shall be generously landscaped with plant materials, including trees, pedestrian pathways, and other features and amenities designed to engage pedestrians and create a comfortable and enjoyable pedestrian environment. Landscape plans shall be reviewed as part of applications for Design Review pursuant to Section 18.13.030(14).

18.13.125 – Front yards not adjoining Tamal Vista Boulevard

Front yards not adjoining Tamal Vista Boulevard shall be 20 feet of which the 10 feet adjoining the property line shall be landscaped with permanently maintained plant materials.

18.13.130 - Side yards.

a) Where the side property line of a site adjoins property that includes residential uses, the minimum required side yard shall be 20 feet, of which the 10 feet adjoining the property line shall be landscaped with permanently maintained plant materials, including screening elements not less than six feet in height.

The Planning Commission may allow a reduction of the required side yard required in this paragraph to 10 feet, of which a minimum of five feet adjoining the property line shall be landscaped with permanently maintained plant materials, including screening elements not less than six feet in height, provided that it finds that adequate separation - for the purposes of light and air, noise, or other potential incompatible conditions - between commercial and residential uses on adjoining property exists. Such finding shall be made in addition to the findings for Design Review required in Section 18.30.070 and appropriate conditions may be made part of any approved reduction.

A landscaped solid fence or masonry wall not less than six feet in height may be required by the Planning Commission if necessary to adequately screen adjacent uses on adjoining property.

b) Where the side property line of a site adjoins property that does not contain residential uses, the minimum required side yard shall be 10 feet, of which a minimum of five feet adjoining the property line shall be landscaped with permanently maintained plant materials, including screening elements not less than six feet in height. In addition, a landscaped solid fence or masonry wall not less than six feet in height may be required by the planning commission if necessary to adequately screen the use.

c) For side yards on the street side of a corner lot, the side yard shall be 20 feet of which the 10 feet adjoining the property line shall be landscaped with permanently maintained plant materials, including screening elements not less than six feet in height.

d) Side yards shall also be provided in accordance with Sections 18.13.135 (Yards Adjacent to Highway 101), and/or 18.13.120 (Yards adjoining Tamal Vista Boulevard) as applicable.

18.13.135 – Yards adjacent to Highway 101

Where a property line of a site adjoins the Highway 101 right of way, the minimum required rear or side yard shall be 50 feet, of which a minimum of 15 feet adjoining the property line shall be landscaped with permanently maintained plant materials, including screening elements not less than 10 feet in height at time of planting. The Planning Commission may allow a reduction of the required rear yard required in this paragraph to 30 feet, of which a minimum of 10 feet adjoining the property line shall be landscaped with permanently maintained plant materials, including screening elements not less than 10 feet in height at the time of planting, provided that it finds that the reduction of required rear yard is necessary to accommodate special programmatic requirements or superior site planning or project design consistent with the purposes and objectives of this title, and provided that adequate design measures are taken to minimize the visual bulk and mass of any structure when viewed from Highway 101. Such findings shall be made in addition to the findings for Design Review required in Section 18.30.070 and appropriate conditions may be made part of any approved reduction.

18.13.140 – Rear Yards

The following rear yards shall be required:

a) Where the rear property line of a site adjoins property with residential uses, the minimum required rear yard shall be 35 feet, of which a minimum of 10 feet adjoining the property line shall be landscaped with permanently maintained plant materials, including screening elements not less than six feet in height.

The Planning Commission may allow a reduction of the required rear yard required in this paragraph to 25 feet, of which a minimum of 10 feet adjoining the property line shall be landscaped with permanently maintained plant materials, including screening elements not less than six feet in height, provided that it finds that adequate separation - for the purposes of light and air, noise, or other potential incompatible conditions - between commercial and residential uses on adjoining property exists. Such finding shall be made in addition to the findings for Design Review required in Section 18.30.070 and appropriate conditions may be made part of any approved reduction.

In addition, a landscaped solid fence or masonry wall not less than six feet in height may be required by the planning commission if necessary to adequately screen adjacent uses.

b) Where the rear property line of a site adjoins property that does not contain residential uses, the minimum rear yard shall be 25 feet, of which a minimum 10 feet adjoining the property line shall be landscaped with permanently maintained plant materials, including screening elements not less than six feet in height. In addition, a landscaped solid fence or masonry wall not less than six feet in height may be required by the planning commission if necessary to screen the use adequately.

18.13.145 - Floor Area Ratio (FAR) and Residential Density

a) Gross floor area of all non-residential uses permitted and conditionally permitted in the MX-1 district shall not exceed .34 FAR.

b) The gross floor area for sites that include residential uses shall not exceed .4 FAR, provided that a minimum .04 FAR includes non-residential uses permitted or conditionally permitted in the MX-1 district and that such uses are located in the Neighborhood Zone, as defined herein. The maximum permitted residential density shall be 15.1 units/acre. For the purpose of calculating residential density, portions of the site developed with non-residential uses shall be included in the calculation of gross area of land. If, after calculating the permitted number of units, a remainder of more than .5 units exists, the total number of units shall be rounded up to the next greater whole number; remainders of .5 units or less, shall be rounded down to the next lower whole number.

c) Gross floor area devoted to required parking for either residential or non-residential uses shall not be counted toward FAR.

18.13.150 – Provisions for Increasing Residential Density and/or Floor area Ratio

a) Notwithstanding the provisions of Section 18.13.145, residential density may be increased to 20.0 units/acre for projects that include senior housing, as defined in California Civil Code Section 51.3 (b)(1), and which include deed restrictions ensuring continued use of the site for senior housing. In conjunction with a project meeting the above criteria, floor area ratio may be increased up to .5 FAR provided that a minimum .05 FAR includes non-residential uses permitted or conditionally permitted in the MX-1 district.

b) Applications to increase density pursuant to the State Density Bonus Law (California Government Code Section 65915 – 65918) shall be made in accordance with Section 18.24.125. In conjunction with such application that includes affordable housing on-site, floor area ratio may be increased up to .5 FAR provided that a minimum .05 FAR includes non-residential uses permitted in the MX-1 district.

c) Notwithstanding the provisions of Section 18.13.145, non-residential intensity may be increased up to .5 FAR if the Planning Commission finds that the increase in intensity is necessary to support the provision of on-site community services by a not-for-profit provider or that the proposed project provides extraordinary on-site amenities for public use and/or enjoyment.

18.13.155 – Floor Area Distribution

a) A minimum of one permitted or conditionally permitted non-residential use listed in Section 18.13.020 without an asterisk shall be located in the Neighborhood Zone.

b) Any permitted or conditionally permitted non-residential use, any portion of which is located in the Neighborhood Zone, shall be located in an establishment that does not exceed 5,000 gross square feet of floor area. Such establishment shall have a primary entrance opening onto the front yard and areas of transparency facing Tamal Vista Boulevard.

c) The Planning Commission may allow an establishment with greater than 5,000 gross square feet of floor area in the Neighborhood Zone, provided that the Commission finds that such use serves to promote the purposes and goals of the MX-1 district, including providing services or activities appropriate in a mixed use area and provided that such use and/or site design, including landscape features, encourages an engaging pedestrian environment. Such finding shall be made in addition to the findings for a conditional use permit required in Section 18.26.050.

18.13.160 – Frontage Requirements

For any lot with a front yard adjoining the Streetscape Improvement Area, an establishment meeting the requirements of Section 18.13.155 shall contain a building wall within the maximum required front yard area with a minimum length equal to one-third of the lot's linear Tamal Vista Boulevard street frontage and shall be occupied by a non-residential establishment(s) meeting the requirements of Section 18.13.155. For developments that include residential uses listed in Section 18.13.020, a minimum one-quarter of the lot's linear street frontage adjoining Tamal Vista Boulevard shall be occupied by a non-residential establishment meeting the requirements of Section 18.13.155.

18.13.165 - Height

(a) No structure in the Neighborhood Zone, as defined herein, shall exceed 25 feet in height or two stories, whichever is lower.

(b) No structure within the Highway Zone, as defined herein, shall exceed 35 feet in height or three stories, whichever is lower.

(c) Notwithstanding paragraphs (a) and (b) of this section, the height of a structure may be increased by 5 feet above the maximum permitted height, provided that the Planning Commission finds that the additional height is necessary to accommodate special programmatic requirements or design elements consistent with the purposes and objectives of this District. Such finding shall be made in addition to the findings required for Design Review in Section 18.30.070.

(d) Additional height allowances permitted by Section 18.24.070 and Section 18.19.040 for certain structures shall be measured from the maximum height permitted in paragraphs (a) and (b) above.

18.13.170 – Upper Story Setbacks

(a) In the Neighborhood Zone, any story above the first story shall be setback from the Streetscape Improvement Area a minimum of 10 additional feet beyond the front or side yard required in 18.13.125.

(b) In the Highway Zone, any story located above the second story or any portion of a building above 25 feet in a two-story building, shall be setback from the rear property line a minimum of 15 additional feet beyond the required rear yard in 18.13.140.

18.13.175 – Boundary between Neighborhood Zone and Highway Zone

The boundary between the Neighborhood Zone and Highway Zone may be adjusted by 25 feet if the Planning Commission finds that the adjustment is necessary to accommodate special programmatic requirements, including locational needs of particular uses, or achieve enhanced site planning or design goals, consistent with the purposes and objectives of this District. Such finding shall be made in addition to the findings for Design Review required in Section 18.30.070.

18.13.180 - Landscaped areas

Each off-street parking area having 10 or more spaces shall have landscaped areas equivalent to at least 10 percent of the area of the parking lot. Such additional landscaping may be required as is appropriate to the design and function of the structures.

18.13.185 - Off-street parking and loading

Off-street parking facilities and off-street loading facilities shall be provided for each use as prescribed in the following table:

Use	Required Parking
Studio	1 space per unit
1 bedroom	1.5 space per unit
2 bedroom or more	2 spaces per unit
Guest Parking	1 space for every 10 dwelling units
Commercial and Other Uses	As required in Chapter 18.20.030

Notwithstanding the above requirements, a parking plan for shared use of required parking spaces may be provided in accordance with the provisions of Section 18.20.020(4) and 18.20.030 (Required Number of Parking Spaces) related to multiple dwellings. The Planning Commission may require additional parking spaces in accordance with 18.20.030. A parking area shall not be located in a front yard.

18.13.190 – Bicycle Parking

Bicycle parking shall be provided in compliance with Section 18.20.040 (Required Number of Off-Street Bicycle Parking Spaces), except that for residential uses, .4 spaces shall be provided per unit, which shall be provided in a secure indoor parking facility for the exclusive use of residential tenants.

18.13.192 – Continued Affordability

Prior to approval of building permits, the applicant shall execute an agreement with the Town ensuring the continued affordability of any affordable dwelling units developed in the MX-1 district for a period of 55 years.

18.13.193 – Residential Open Space

Open space shall be required for residential uses in accordance with Section 18.08.120(b), except that a minimum 50 percent of the required open space shall be common open space accessible to all residents of the development for which common open space is required.

18.13.195 - Exceptions for small lots

For lots with a net area of land less than 20,000 square feet, the provisions of Sections 18.13.155 through 18.13.175 shall not apply.

Alternatively, the maximum height of structures on such lots shall be two stories or 25 feet, whichever is less. The maximum height may be increased 5 feet in accordance with the provisions of 18.13.165(c).

18.13.196 - Signs

No sign, outdoor advertising structure, or display of any kind shall be permitted except as prescribed in Chapter 18.22, Signs.

18.13.197 - Design review

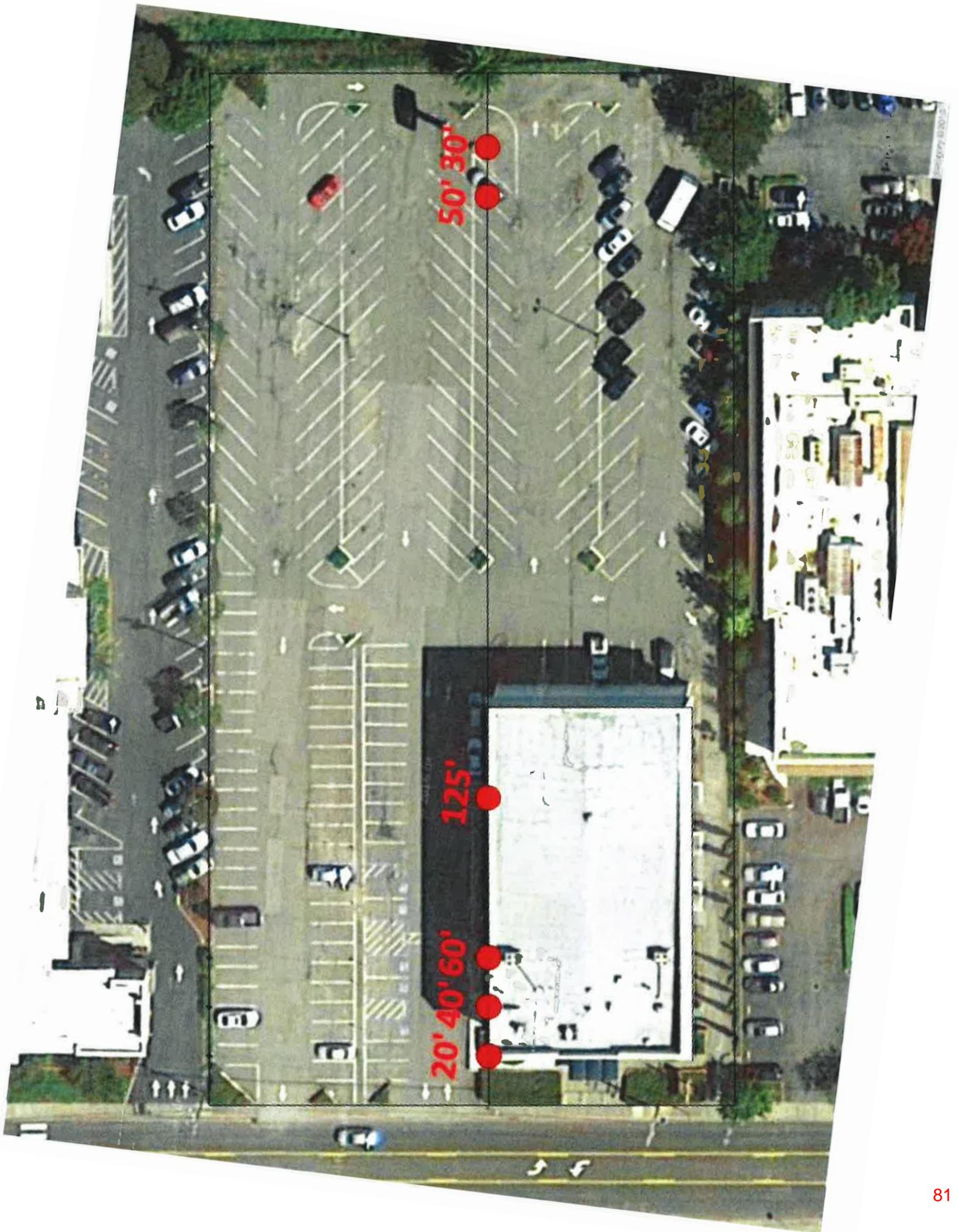
Design review approval as prescribed in Chapter 18.30, Design Review, is required for any exterior modification of structures or site, except that replacement in-kind of exterior structures, amenities, or other site features, and modifications to the site landscaping may be allowed by approval of the Planning Director. The Planning Director, at his/her sole discretion may refer such items to the Planning Commission for Design Review.

18.13.198 - General provisions and exceptions

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 18.24, General Provisions and Exceptions.

ATTACHMENT 5

SETBACK MARKERS GRAPHIC FOR 41 TAMAL VISTA BOULEVARD



ATTACHMENT 6

SUMMARY OF PROJECTS TO IMPROVE CIRCULATION SURROUNDING TAMAL
VISTA CORRIDOR

SUMMARY OF PROJECTS TO IMPROVE CIRCULATION SURROUNDING TAMAL VISTA CORRIDOR STUDY AREA

JUNE 2016 (Updated September 8, 2016)

1) NELLEN DRIVE CONNECTION AND BIKE GAP CLOSURE PROJECT

Proposed capital project to open Nellen Avenue to southbound traffic at Fifer Avenue and improve bicycle connectivity along the west side of Highway 101 as part of an improved regional pathway system.

Preliminary conceptual plans have been prepared by Parisi Transportation Consulting and grant applications for funding have been submitted in coordination with the City of Larkspur.

2) TAMAL VISTA BOULEVARD BICYCLE IMPROVEMENTS

Proposed project to create buffered bicycle lanes in both the northbound and southbound directions on Tamal Vista Boulevard from Madera Boulevard to Fifer Avenue consistent with the 2016 Corte Madera Bicycle and Pedestrian Master Plan. Intended to improve bicycle and pedestrian circulation and promote multi-modal access to existing and future residences, retail, and commercial properties.

Conceptual plans have been prepared by Parisi Transportation Consulting and grant applications for funding have been submitted.

3) SIGNAL SYNCHRONIZATION PROJECT

Project to update and synchronize the timing of the signals at Redwood Highway and Wornum Drive, Tamal Vista Boulevard and Wornum Drive, and Tamal Vista and Fifer Avenue.

Studies for updated minimum yellow and green light, and don't walk pedestrian crossing timing by Kimley Horn Associates have been completed. A grant for synchronization design and implementation was awarded in July 2016. Design of the project has started. Field implementation is expected in February 2017.

4) TAMAL VISTA TRIP PURPOSE STUDY

This project provides information on the types of automobiles (and bicycles and other modes of transportation) and drivers (i.e. high school children or adults) traveling along Tamal Vista Boulevard / Doherty Drive during the am peak period, afternoon school commute (2-4 pm), and the pm peak (4-6 pm). The information provided from the study helps identify who and what is causing or contributing to traffic and can aid in designing appropriate solutions. This study is similar to recent studies done in Mill Valley.

Funded through Safe Routes to School, Parisi Transportation conducted field work in May 2016.

A draft report was provided to Corte Madera and Larkspur in July 2016. It determined that the largest share of vehicular traffic during the morning, afternoon school, and evening peak periods consists of single-occupancy vehicles (not including high school students). In the morning and afternoon peak, School traffic (automobiles and non-commercial pick-up trucks with at least one school age child, including single-occupancy vehicles driven by high school students) represents the second highest share of vehicular traffic. In the evening peak, high occupancy vehicles represented the second highest share of vehicular traffic. The study recommends further analysis to determine what share of the single occupancy vehicle trips may be school related traffic. However, the additional will likely not change the percentages greatly.

5) LUCKY DRIVE BICYCLE LANES

Capital project to add Class 2 bicycle Lanes on both sides of the street from Doherty Drive to Fifer Avenue. The County of Marin will install a Class 3 facility (sharrows in both directions of travel) along Lucky Drive from Fifer Avenue to the eastern terminus.

Project will follow the City of Larkspur's Doherty Drive Improvement Project. No grant funding required.

6) DOHERTY DRIVE MULTI-USE PATH (Doherty Drive Improvement Project)

The City of Larkspur is proposing to construct a multi-use path along the south side of Doherty Drive by Redwood High School as well as bike/ pedestrian safety and ADA improvements at the intersection of Lucky Drive and Doherty Drive.

This project has been designed and awaiting implementation.

7) RICHMOND-SAN RAFAEL BRIDGE THIRD LANE

Project to create an eastbound third lane on the Richmond-San Rafael Bridge to help increase vehicular capacity during the pm rush hours.

The project is expected to start construction in late Fall 2016 and take about one year to complete.

8) HIGHWAY 101 AND 580 INTERCHANGE IMPROVEMENTS

TAM is proposing long term plans for improvements at the North 101 and East 580 interchanges at both Bellam Boulevard and Sir Francis Drake to address the traffic backups that occur during pm rush hours. Long range plans will likely take 15-20 years and rely upon significant funds for implementation.

ATTACHMENT 7

EXISTING AND PROPOSED GENERAL PLAN LAND USE MAPS AND TEXT
CHANGES

PROPOSED GENERAL PLAN TEXT AMENDMENT

The following General Plan Amendments are proposed as shown in ~~striketrough~~ and underline below:

PG. 2-21

Mixed-Use Commercial:

This designation is intended to support infill activities, and site and building redevelopment of existing neighborhood commercial centers and along commercial corridors. Allowable uses include office, light industrial (non-manufacturing), and commercial services, as well as new housing developments. The designation is intended to encourage a variety of community activities and services to co-exist in close proximity to one-another (such as jobs, housing and services), thereby reducing the need for extensive automobile travel. Reduced parking standards may be allowed when the site is located within .25 mile of a transit stop.

Minimum Lot Size: 20,000 square feet

Floor Area Ratio: Up to .34

Approximate Development Density: From 15.1 to 25.0 dwelling units per gross acre, and up to 31.0 dwelling units per gross acre if meeting State requirements for density bonus

Approximate Population Density: From 33 to 70 persons per gross acre

Applicable Zoning Districts: O (Professional and Administrative Office District); C-1 (Local Shopping District); C-3 (Highway Commercial); C-4 (Commercial Service District); MX-1 (Mixed Use - Tamal Vista Corridor); M (Light Industrial District); AHMU (Affordable Housing Mixed-Use District); PD (Planned Development Overlay District); BRNH (Baylands Risk Zone and Natural Habitat Overlay District); also, the Town will amend the Zoning Code to include MRX (Mixed Use District),

PG. 2-21

Public and Semi-Public Facilities:

This designation includes uses that service a public or semi-public function, including public and private schools, places of religious assembly, and public buildings such as Town Hall ~~and the California Department of Motor Vehicles~~. It also allows areas necessary for public service installations, including public and private drainage ways, retention ponds and flood control facilities, such as pump stations, floodgates and floodwalls, and other sites necessary for public facilities and services. Uses accessory to public facilities, including recreational pathways, are also allowed in this designation.

Minimum Lot Size: None

Floor Area Ratio: Up to .35

Applicable Zoning Districts: P/SP (Public and Semi-Public Facilities District); FC (Flood Control and Drainage Facilities District)



EXISTING GENERAL PLAN LAND USE

TAMAL VISTA CORRIDOR
CORTE MADERA, CA



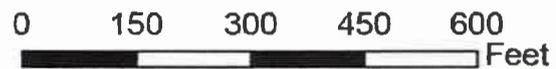
-  MIXED-USE COMMERCIAL
-  PUBLIC & SEMI-PUBLIC FACILITIES
-  PROJECT BOUNDARY
-  CORTE MADERA TOWN LIMIT

FIGURE 4⁸⁹



PROPOSED GENERAL PLAN LAND USE

TAMAL VISTA CORRIDOR
CORTE MADERA, CA



-  PROPOSED MIXED-USE COMMERCIAL
-  MIXED-USE COMMERCIAL
-  PROJECT BOUNDARY
-  CORTE MADERA TOWN LIMIT

FIGURE 50

ATTACHMENT 8

PLANNING COMMISSION RESOLUTION 16-2016 w/o ATTACHMENTS

**CORTE MADERA PLANNING COMMISSION
RESOLUTION NO. 16-026**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF CORTE MADERA RECOMMENDING ADOPTION OF A NEGATIVE DECLARATION PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15074, ADOPTION OF A ZONING ORDINANCE AMENDMENT CREATING A NEW CHAPTER 18.13 AND MIXED-USE ZONING DISTRICT (MX-1) AND THE REZONING OF THE SEVEN PROPERTIES BOUNDED BY TAMAL VISTA BOULEVARD TO THE WEST, WORNUM DRIVE TO THE NORTH, HIGHWAY 101 TO THE EAST, AND MADERA BOULEVARD TO THE SOUTH (THE "TAMAL VISTA CORRIDOR"), AND A GENERAL PLAN AMENDMENT CHANGING THE LAND USE DESIGNATION FOR 75 TAMAL VISTA BOULEVARD TO MIXED-USE COMMERCIAL TO BE CONSISTENT WITH THE MX-1 ZONING DISTRICT.

WHEREAS, the Town Council of the Town of Corte Madera adopted a comprehensive update to the Corte Madera General Plan on April 21, 2009 (the "2009 General Plan"); and

WHEREAS, many commercial properties adjacent to Highway 101 were re-classified from Region-Serving Commercial or Commercial Services land use designations, which did not allow residential uses, to the Mixed-Use Commercial land use designation in the Land Use Element of the 2009 General Plan; and

WHEREAS, the Mixed-Use Commercial land use designation is intended to "support infill activities, and site and building redevelopment of existing neighborhood commercial centers and along commercial corridors. Allowable uses include office, light industrial (non-manufacturing), and commercial services, as well as new housing developments;" and

WHEREAS, the 2009 General Plan, and 2011 and 2015 Housing Element updates included policies and programs to create a new Mixed-Use zoning district through the adoption of amendments to the Corte Madera Zoning Ordinance to implement the policies of the Mixed-Use Commercial land use designation, including allowances for residential uses, for those properties so designated; and

WHEREAS, in response to concerns raised by members of the Corte Madera community about potential development projects and the level of redevelopment activity in the Tamal Vista Corridor, the Town Council of the Town of Corte Madera adopted an Urgency Ordinance (No. 942) on October 7, 2014, prohibiting the granting of land use entitlements within the Tamal Vista Corridor, other than those applications for land use entitlement already deemed complete by the Planning Department. This Ordinance was extended twice, on November 18, 2014 and September 15, 2015, and will expire on October 7, 2016; and

WHEREAS, in approving and extending the Urgency Ordinance, the Town Council

declared that “the Town has a responsibility to move forward with studies necessary to implement General Plan policies relating to the Tamal Vista East Corridor area in order to identify the regulations necessary to foster an appropriate mix of uses and harmonize and prioritize the various policies relating to land use, including circulation, economic development, housing, and community design. It is important for the Town to fulfill this responsibility and look carefully at implementing regulations that balance all of the Town’s policies prior to approving additional changes in land use on an individual parcel by parcel basis;” and

WHEREAS, Corte Madera Planning Department engaged the services of Metropolitan Planning Group (M-Group) in the summer of 2015 and embarked upon a comprehensive analysis and public consultation process in September 2015 (the “Tamal Vista Corridor Study”), designed to fulfill the purpose of the Urgency Ordinance and the goals and objectives of the 2009 General Plan; and

WHEREAS, the Town, through the efforts of the Planning Department, Planning Commission, and Town Council, facilitated public participation, education, significant public input, and opportunities for dialogue between and amongst various community stakeholders, Planning Department staff, and Town decision-makers, to help identify appropriate land use policy recommendations for the Tamal Vista Corridor. Six community-wide meetings and approximately 10 “stakeholder” meetings with individuals, groups of Corte Madera residents, Corte Madera organizations, and property-owners were convened for this purpose; and

WHEREAS, public meetings related to the Tamal Vista Corridor Study were generally noticed on the Town’s website, sent via email to subscribers of the Tamal Vista Corridor Study email group list and the Town’s e-notification system, sent via mail to property owners within and within 500 feet of the Tamal Vista Corridor, and posted on the Town’s Community Center reader board; and

WHEREAS, on June 4, 2016, the Planning Department released the draft Tamal Vista Corridor Study Report (“Report”) which included a detailed review of existing conditions, analytic tools, public outreach efforts and comments, and land use policy recommendations for the Tamal Vista Corridor; and

WHEREAS, on June 14, 2016 and July 19, 2016, the Planning Commission and Town Council respectively, held duly-notice public meetings to review, receive public comment, and provide direction regarding the draft land use policy recommendations for the Tamal Vista Corridor detailed in the Report; and

WHEREAS, the Town Council, at its July 19, 2016 public meeting, directed staff to proceed with the development of draft zoning ordinance amendments for review and consideration by the Planning Commission based on the policy recommendations included in the report and comments received by the Town Council and Planning Commission; and

WHEREAS, on August 24, 2016, the Planning Department published a Notice of Intent to adopt a Negative Declaration/Initial Study, and public hearing notice for proposed

Zoning Ordinance and General Plan amendments in compliance with CEQA Guidelines Section 15072 and California Government Code Section 65854, Section 65090, and Section 65091; and

WHEREAS, on September 2, 2016, notice of the Planning Commission public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090; and

WHEREAS, on September 13, 2016, the Planning Commission held a public hearing, received the staff report and a reviewed a presentation from the Planning Department, and received comments from the public; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Corte Madera Planning Commission does hereby find and resolve as follows:

1. Recitals

The foregoing recitals are true and correct and are incorporated into the findings herein.

2. Record

The Record of Proceedings ("Record") upon which the Planning Commission makes its recommendation includes, but is not limited to:

(1) the 2009 General Plan, (2) the General Plan EIR, (3) the 2015 Housing Element update, (4) the Tamal Vista Corridor Study Report, (5) all staff reports, Town files and records and other documents prepared for and/or submitted to the Planning Commission relating to the Tamal Vista Corridor Study Report and Zoning Ordinance and General Plan amendments related to the creation of new Zoning Ordinance Chapter 18.13 and the MX-1 zoning district, (6) all documentary and oral evidence received at public hearings or submitted to the Town relating to the Tamal Vista Corridor Study Report and Zoning Ordinance and General Plan amendments related to the creation of new Zoning Ordinance Chapter 18.13 and the MX-1 zoning district, and (7) all matters of common knowledge to the Planning Commission and the Town, including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town and its surrounding areas.

The location and custodian of the Record is the Planning Director of the Town of Corte Madera, 300 Tamalpais Drive, Corte Madera, CA 94925.

3. General Plan Consistency

The Planning Commission of the Town of Corte Madera does hereby find that the proposed Zoning Ordinance Amendments for the creation of new Zoning Ordinance Chapter 18.13 and a new MX-1 zoning district, and to rezone the seven properties that comprise the Tamal Vista Corridor, is consistent with the 2009 General Plan policies and programs, as modified by the General Plan amendment included in this resolution. The

specific policies and programs on which the Planning Commission makes this finding include, but are not limited to:

Implementation Program LU-1.1a Ordinance Revisions

Prepare and adopt revisions to the Municipal Code, including the Zoning and Subdivision Ordinances, that organize and update existing resolutions and ordinances of the Town to ensure consistency with the General Plan, including land uses, lot sizes and floor area ratios. Uses and structures made non-conforming by adoption of the General Plan will be allowed to be continued, and further addressed in the Zoning Ordinance update.

The proposed Zoning Ordinance amendments to create a new Zoning Ordinance Chapter 18.13 and MX-1 zoning district, and rezone the Tamal Vista Corridor will update the existing Zoning Ordinance to make it consistent with the General Plan land use designations identified in the General Plan Land Use Diagram. The performance and development standards of the MX-1 district will ensure that the many of the design and operational goals for mixed-use development are required.

Implementation Program LU-1.1b Mixed-Use Zone

Amend the Corte Madera Zoning Ordinance to add a Mixed-Use Zone to implement the Mixed-Use designations, and apply this Zoning to lands so designated on the Land Use Diagram. Corollary changes to parking provisions of the Zoning Ordinance shall also be made to ensure adequate set-aside of parking spaces for residential uses in mixed-use developments.

The proposed Zoning Ordinance amendment to create new Zoning Ordinance Chapter 18.13 and the MX-1 zoning district responds directly to this implementation program in the General Plan and as noted in the recitals of this resolution, was the impetus for Tamal Vista Corridor Study and the proposed MX-1 district. The new Chapter 18.13 and MX-1 district will apply to six properties designated Mixed-Use Commercial on the General Plan Land Use Diagram and another that would be designated Mixed-Use Commercial with the adoption of the General Plan amendment proposed in conjunction with the zoning ordinance amendment.

Parking standards have been included in the MX-1 district to ensure that all uses within a mixed-use project are required to set aside parking for their particular use.

4. General Plan Findings

The Planning Commission of the Town of Corte Madera does hereby find that the proposed General Plan amendment to the Land Use Element to change the land use designation of 75 Tamal Vista Boulevard from Public/Semi-Public Facilities to Mixed-Use Commercial is in the best interest of the Town because it sets appropriate land use policy in the event that the site, currently owned by the State of California, may be sold and/or reused in the future, however unlikely. The Planning Commission notes that the site has been analyzed and assessed along with all the other properties in the Tamal Vista Corridor Study and that the Report does not distinguish this site from others. The

site characteristics are similar to other sites within the Tamal Vista Corridor and any potential redevelopment of the site would benefit from the requirements placed on development by the MX-1 district, particularly those related to the reservation of property adjacent to Tamal Vista Boulevard for public use.

5. Relationship to Existing Applications Deemed Complete and Existing Uses

The Planning Commission recognizes that two specific land use entitlement applications were excluded from the Town Council's Urgency Ordinance in 2014. These include land use entitlements, including General Plan and Zoning Ordinance amendments, associated with the proposed redevelopment of the Corte Madera Inn site (56 Madera Boulevard) and an application to re-zone the Market Place property (47-71 Tamal Vista Boulevard).

The Planning Commission, in recommending adoption of a new zoning district (MX-1) for the Tamal Vista Corridor, does not intend to preclude these existing applications from being processed and acted upon by the Planning Commission or Town Council, if desired by the applicants. In addition, the Planning Commission, despite recommending adoption of new land use policy for all properties within the Tamal Vista Corridor through this resolution, shall review and make recommendations on the above applications without prejudice in consideration of new or different land use policy than that proposed in the MX-1 district, and base decisions on the evidence presented .

Additionally, uses made non-conforming or non-complying by adoption and enactment of the General Plan and Zoning Ordinance amendments shall be regulated by the provisions of the Section 18.32 of the Corte Madera Zoning Ordinance (Nonconforming Uses, Structures and Sites).

6. Compliance with the California Environmental Quality Act (CEQA)

Pursuant to CEQA Guidelines Section 15074, prior to a recommendation that the Town Council adopt the Negative Declaration prepared for this project, the Planning Commission must consider the proposed Negative Declaration. The following findings must be made by the Town Council prior to adoption of the Negative Declaration:

1. The Negative Declaration was prepared in accordance with the California Environmental Quality Review Act.
2. The Town Council has considered the proposed Negative Declaration, together with all public comments received during the public review process, and based on the whole record, there is not substantial evidence that the project will have a significant effect on the environment.
3. The Negative Declaration reflects the lead agency's independent judgement and analysis.

4. Pursuant to §21081.6(a)(2) of the Public Resources Code, the Corte Madera Planning Department, located at 300 Tamalpais Drive, Corte Madera, CA, is the custodian and location of the documents and other materials that constitute the record of proceedings upon which the Town Council's decision memorialized in this Resolution is based.

The Planning Commission has reviewed the Negative Declaration and based on its independent judgement and analysis determines that the Negative Declaration was prepared in accordance with the California Environmental Quality Review Act and that based on the whole record, including public comments received during the public review process, there is not substantial evidence that the project will have a significant effect on the environment.

In particular, the Commission has reviewed the Mandatory Findings of Significance (Chapter 4.18 of the Initial Study/Negative Declaration) and concurs with the findings that the proposed project (Zoning and General Plan amendments) will have a less than significant impact on the environment for the reasons specified.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the Town Council approve the Zoning Ordinance Amendment, attached hereto as "Exhibit A," amend the Town Zoning Map as shown in "Exhibit B," approve the General Plan Amendment, attached hereto as "Exhibit C," and amend the Land Use Diagram of the Land Use Element of the 2009 General Plan as shown in "Exhibit D."

* * * * *

PASSED AND ADOPTED by the Corte Madera Planning Commission on September 13, 2016, by the following vote:

AYES: Chase, Metcalfe, Bundy

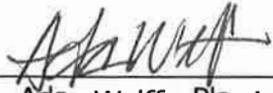
NOES: Caldera

ABSTAIN:

ABSENT:

RECUSED: Freedman


Chair



Adam Wolff, Planning Director

ATTACHMENT 9

MEMO IN RESPONSE TO COMMENTS ON INITIAL STUDY/NEGATIVE
DECLARATION

DATE: September 22, 2016
TO: Adam Wolff, Town of Corte Madera
FROM: Olivia Ervin, Environmental Planner

**SUBJECT: RESPONSE TO COMMENTS ON DRAFT NEGATIVE DECLARATION
TAMAL VISTA CORRIDOR GP AND ZONING AMENDMENTS**

A Draft Negative Declaration (ND) for the Tamal Vista Corridor General Plan and Zoning Amendments (Project) was circulated for public review between August 24, 2016 and September 13, 2016. The Town of Corte Madera distributed the Notice of Intent to Adopt (NOI) a Negative Declaration by mail to all property owners in the Tamal Vista Corridor and within a 600-foot radius. An email of the NOI was also sent to all interested parties who signed up to receive information regarding the Tamal Vista Corridor Study and to those who signed up for Planning and Building and Weekly Newsletter newsflash items. Additionally, the NOI was posted at the Town's fire stations, Town Hall, library and post office. The ND was publically posted on the Town's website and made available for public review at the Town's Planning Department. On September 13, 2016 the Project was considered by the Planning Commission during a duly noticed public hearing. The following summarizes the comments received on the Draft Negative Declaration and provides a response to comments. This Response to Comment Memo, along with the Draft Negative Declaration constitutes the Final Negative Declaration.

Federated Indians of Graton Comment Letter

One comment letter was received from the Federated Indians of Graton Rancheria on September 20, 2016. The Tribe confirms receipt of the Notice of Intent and acknowledges that Tribal Heritage Preservation Office staff reviewed the project information. The letter states that the Tribe does not have any comments at this time, but requested to be informed should the project be modified.

Response: Comment Noted.

Planning Commission Comments

Commissioner Caldera stated his opposition to locating residential uses and other sensitive land uses (schools, parks, day care facilities) in close proximity to the freeway due to air quality, dust exposure, and concerns about related health effects. Specifically Commissioner Caldera cited recommendations provided by the California Air Resources Board (CARB) for siting new sensitive receptors (residential, schools, parks, daycare facilities, medical and health care facilities) within 1,000 feet of Highway 101.

Response: The proposed project, as a general land use amendment and zoning amendment, does not introduce new sensitive receptors to the project site, but would allow for these uses in the future. The Negative Declaration (ND) explains that sensitive receptors include children, elderly and ill populations and sets forth the Health Risk Thresholds of Significance on Page 25 (Table 4). The ND further describes Highway 101 as a major freeway with frontage along the entire eastern boundary of the Tamal Vista Corridor. As stated therein, "the General Plan identifies traffic on high volume roadways (e.g. Hwy 101) as generating high levels of diesel exhaust and calls for high density housing adjacent to such generators to minimize exposure to TAC [Toxic Air Contaminants] through the design, layout, and orientation of residential development." Several specific General Plan policies are referenced in the ND including RSC 10.3, which requires "incorporation of mitigation measures for development projects."

While it is reasonably foreseeable to anticipate that residential units may be proposed in the future, the number, location, and design of the units cannot be known. Consequently, the potential health effects cannot be analyzed. Impact discussion item 4.3(d-e) (on Page 28) of the Negative Declaration identifies Highway 101 as a source of TAC and explains that the General Plan policies ensure that "adequate buffer distances, filters or other control" are integrated into the project specific design or will be required as mitigation during future project specific development review.

The Town's General Plan contains a number of policies that are intended to ensure that public health is protected and that new residents are not exposed to air quality emissions that would result in a health impact. Additionally, the General Plan EIR sets forth Mitigation Measures 4.5.3 as follows:

MM 4.5.3 The Town shall include General Plan policy provisions that require:

- When new development that would be a source of TACs is proposed near residences or sensitive receptors, either adequate buffer distances shall be provided (based on recommendations and requirements of the California Air Resources Control Board and BAAQMD), or filters or other equipment/solutions shall be provided to reduce the potential exposure to acceptable levels. Potential mitigation associated with this policy requirement will be coordinated with any required permit conditions from BAAQMD.*
- When new residential or other sensitive receptors are proposed near existing sources of TACs, either adequate buffer distances shall be provided (based on recommendations and requirements of the California Air Resources Control Board and BAAQMD), or filters or other equipment/solutions shall be provided to the source to reduce the potential exposure to acceptable levels.*

These mitigation measures have been incorporated into General Plan policy RSC 10.3g. All future development and redevelopment within the Town of Corte Madera, including the subject Tamal Vista Corridor, is required to be consistent with the General Plan and policies therein.

As the regional entity responsible for managing the Air Quality Basin, the Bay Area Air Quality Management District recognizes that new sensitive receptors (especially infill development) could potentially be exposed to elevated levels of pollutants and has suggested possible mitigation measures that could reduce excess exposure. These include the following items:

- 1. Increase project distance from freeways and/or major roadways.*
- 2. Redesign the site layout to locate sensitive receptors as far as possible from any freeways, major roadways, or other non-permitted TAC sources (e.g., loading docks, parking lots).*
- 3. Large projects may consider phased development where commercial/retail portions of the project are developed first. This would allow time for CARB's diesel regulations to take effect in reducing diesel emissions along major highways and arterial roadways. Ultimately, lower concentrations would be anticipated along the roads in the near future such that residential development would be impacted by less risk in later phases of development.*

4. *Projects that propose sensitive receptors adjacent to sources of diesel PM (e.g., freeways, major roadways, rail lines, and rail yards) should consider tiered plantings of trees such as redwood, deodar cedar, live oak and oleander to reduce TAC and PM exposure. This recommendation is based on a laboratory study that measured the removal rates of PM passing through leaves and needles of vegetation. Particles were generated in a wind tunnel and a static chamber and passed through vegetative layers at low wind velocities. Redwood, deodar cedar, live oak, and oleander were tested. The results indicate that all forms of vegetation were able to remove 65–85 percent of very fine particles at wind velocities below 1.5 meters per second, with redwood and deodar cedar being the most effective.*
5. *Install and maintain air filtration systems of fresh air supply either on an individual unit-by-unit basis, with individual air intake and exhaust ducts ventilating each unit separately, or through a centralized building ventilation system. The ventilation system should be certified to achieve a performance effectiveness, for example, to remove at least 85% of ambient PM2.5 concentrations from indoor areas. Air intakes should be located away from emission sources areas, such as major roadways. Users may factor in the amount of time that receptors spend indoors versus out-of-doors to account for air filtration systems in modeling, provided that all assumptions are justified with scientific documentation.*
6. *Where appropriate, install passive (drop-in) electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).*
7. *Require rerouting of nearby heavy-duty truck routes.*
8. *Enforce illegal parking and/or idling of heavy-duty trucks in vicinity.*

As a result, at the time new development containing sensitive receptors is proposed within the Tamal Vista Corridor it will be evaluated on a project specific level including an air quality/greenhouse gas analysis and a health risk assessment. The site specific analysis will evaluate health risk exposure based on the merits of the project and will provide recommendations/mitigation measures (including those listed above, as appropriate or other feasible means) in order to reduce exposure to acceptable levels.

In conclusion, the Negative Declaration appropriately discloses the potential health effects of citing residents in close proximity to Highway 101 and relies on existing General Plan policies to ensure that an analysis of health risk, exposure and effective mitigation will be provided as part of future project specific development review at the time the Town receives such a development application.

Response to Comments Summary

No other CEQA related comments were raised during the Planning Commission public hearing nor were any other comment letters received as of the date of this response. None of the comments necessitate changes or revisions to the text of the Negative Declaration. This Response to Comments Memo along with the Draft Negative Declaration prepared for the Tamal Vista Corridor Project constitutes the Final Negative Declaration.

Thank you,

OLIVIA ERVIN
Environmental Planner
oervin@m-group.us
707.259.1790

ATTACHMENT 10

PUBLIC COMMENTS RECEIVED SINCE AUGUST 24, 2016



Scott L. Hochstrasser
IPA, Inc.

E-Mail slh1ipa@aol.com * 141 Bolinas Road * Fairfax, CA 94930 USA * Tele (415)459-6224 * Cell 415-572-2777

September 7, 2016

via Email and US Post

Corte Madera Planning Commission

C/o Adam Wolf, Director
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

RECEIVED

SEP 12 2016

TOWN OF CORTE MADERA

RE: Comments - "Mixed Use MX-1 Zoning Code 18.13 (Tamal Visit Corridor)

Dear Chair and Commission Members;

My office represents Jack Jakosky, the owner of the Market Place retail shopping center located at 41-71 Tamal Vista Blvd. Back in 2013 and 2014, on his behalf, I filed an application to rezone the above noted property from C-3 Highway Commercial to C-2 Regional Shopping.

The rezoning was proposed to correct a 1989 General Plan mapping and rezoning error that resulted in some existing well established land uses in the shopping center (Bookpassage, 6,300 sq restaurant lastly Bick and Bottle) to become non-conforming to the list of uses allow in the zone district. The property has remained as a shopping center with a mix of local serving and region serving uses since before the rezoning error occurred. The property is best suited for a continuation of the region and local shopping commercial business it provides today and has provided over the years.

We have participated in the Corridor Study and support the adoption of the Tamal Vista Corridor special area plan. Moreover, we support the adoption of a new Chapter 18.13 Mixed Use -MX-1 District. Adoption of a new Mixed Use Zoning is an opportunity to correct the historic errors and bring existing long established mixed commercial business on my client's property into compliance with the corridor study findings and allow land uses, existing and new, to ensure a variety of commercial uses needed to serve the local community needs.

Generally we are pleased to see the Town moving forward with the new MX-1 zoning. It is a bit disappointing that the proposed Mixed Use zone attempts to list all of the permitted and conditional uses where a more general statement of permitted/conditional uses might be much more efficient for Town staff and appropriate for commercial property owners and new businesses.

Specifically, regarding the MX-1 District it is not clear in the draft, with the exception of the Table heading (Section 18.13.100, 18.13.105 nor 18.13.020), the list of uses listed in section 18.13.020 are included in the MX-1 District please clarify this. I recommend that you add to 18.13.105 - Generally - a note that the table of uses in 18.13.020 apply in the MX-1 District.

Assuming the intention is to include the land uses listed in 18.13.020 in the MX-1 District my client (owner of Marketplace 41-71 Tamal Vista Blvd) and I have the following questions and request the highlighted changes noted below.

- ✓ 1. The Table of Uses needs a footnote to clarify that "P"= Permitted Use, "C"= Conditional Use Permit (CUP) and explain what the asterisk * means. It is used in several places both for P and C in the table but it is not clear what it means for each land use
Request: Clarify what each asterisk * means in a footnote.
2. The Marketplace has had a restaurant w/o drive-up- for over 30 years, the new zoning requires a CUP - will this be required for each and every restaurant tenant that comes and goes?
Request: The Brick and Bottle restaurant has recently closed; my client would like the right to replace this restaurant use in the same building at the same floor area in the shopping center without a CUP since restaurant is a long established use at this location. Restaurant use was permitted by zoning in 1984, it should be grandfathered in and no CUP should be required for a replacement restaurant at the site.
- ✓ 3. It is unclear how a Gym and athletic club (P= Permitted on Page 5) is different than an "Aerobics Studio" that is a (C= conditional use permit (CUP) on Page 3). Does the Town Code define this difference?
Request: Change the zoning table to allow Aerobic Studios to be a "P" Permitted use because it is a similar use to a gym.
4. Page 3 "Banks and Savings and Loans"; require a CUP yet on page 4 "business and office services" including copy services are P. What is the logic here? How different are these uses?
Request: Change the zone use table to allow "Banks and Savings and Loans" to be a "P" permitted use because they provide business and office services.
5. Page 4 – "Convenience Store" is a C but a "Delicatessen stores" are P. Does the Town Code define these uses differently?
Request: Change the use table to allow convenience stores to be "P" permitted use because they are similar or generally the same as a delicatessen store.
- ✓ 6. Page 5 "Juice and smoothie shops - are these uses C or P? Nothing on the table is shown.
Request: Change the use table to add a "P" to the "Juice and smoothie shop" use to allow it as a permitted use.
7. Page 8 what is a "specialty retail store" and how does it differ from a "Variety store" (page 9) and for example a shoe store (page 8). Does the Town code define these

differently? What if a shoe store specializes in say running shoes only - is it a specialty retail store requiring a CUP?

Request: Change the use table to add “specialty retail store” to “P” permitted use.

8. Page 8 - Tanning Salons - why is this use required to have a CUP when spa and health salons - with waxing are P- permitted (Page 8)?

Request: There has been a “tanning salon” use at the Marketplace for 10 years. Change the table to add a “P” to permit the use without a CUP.

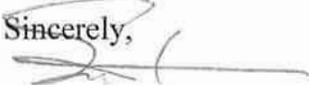
Finally, trying to list all of the specific uses that might want to locate in the MX-1 District is crazy. Certainly there are potentially several other lifestyle retail, business and general commercial uses and businesses that have not even been created or described yet. It seems to us that listing uses specifically will require each use to be defined in the Zoning Code to guide property owners and the Town planners when determining if and when a conditional use permit is needed.

Why not simply provide a general definition of the commercial uses that are allowed and only specifically list uses that require a CUP? One example is to simply list in the table - Life Style Commercial and Retail Uses as defined herein are Permitted Uses. Then define "Life Style Commercial and Retail" = a mix of retail, cafe, restaurant, small business offices (under 5,000 sq ft), spas & salons, entertainment and recreational uses with public gathering places and pedestrian - oriented feel. Then make a careful list of uses that would require a Conditional Use Permit.

In summary, the draft MX-1 District moves the ball forward to resolve long standing zoning inconsistencies resulting from previous mistakes in the General Plan and Rezoning. The record is replete with information to support the Mixed Use zoning. My client has been waiting for more than 5 years for the Town to modify the zoning to encourage community serving businesses in his shopping center. Now is the opportunity to put in place new zoning to support the findings of the special area studies and bring the zoning district standards and list of permitted and conditional uses up to the 21st century demands of commercial property owners.

The requested changes above will insure that my client and other commercial property owners are incentivized to lease their available space to uses that truly serve the local community. Moreover, the future tenants will be permitted to establish community servicing uses without delay and without undue burden on administrative planning staff.

Thank you in advance for your kind consideration of the requested changes noted above. Lastly, I would like to thank the Town staff and consultants who are moving forward to make the zone district changes necessary to implement the new Tamal Vista Corridor Plan.

Sincerely,

Scott L. Hochstrasser

CC: Jack Jakosky

From : [Cheryl Longinotti](#)
To: [Adam Wolff](#)
Cc: [Rebecca Vaughn](#)
Subject: Proposed General Plan and Zoning Amendments
Date: Sunday, September 11, 2016 10:32:23 PM

To Planning Commissioners and Planning Director Wolfe:

As a resident on Tamal Vista Blvd, I have taken keen interest in the Corridor planning project. I appreciate the work that has gone into preparing the proposed General Plan and zoning amendments. The designation of a Streetscape Improvement Area and the flexible FAR proposed in Section 18.13.150 will facilitate a safer, more interesting environment while allowing for needed development when it is favorable to the Town.

Additional comments below relate to specific paragraphs in the zoning proposal.

Section 18.13.135 (Setbacks for Yards Adjacent to Highway 101)

As you may recall, the CM Bicycle and Pedestrian Plan identified a shared-use path along the westside of Highway 101 as a potential bike-pedestrian route. This Section appears to keep that possibility open. This is important because many riders will want to avoid the heavy traffic and multiple driveways on Tamal Vista even with streetscape improvements.

Paragraph 18.13.145(c) Floor Area Ratio and Residential Density

This paragraph states, " Gross floor area devoted to required parking for either residential or non-residential uses shall not be counted toward FAR."

The implications of this are not clear - at least to me - so I would hope the Planning Director or Commission would clarify this for the public.

Section 18.13.185 Off-street parking and loading

Transportation is undergoing great change with the advent of the shared economy and autonomous vehicles. Although we can scarcely imagine it today, parking may well become an underutilized amenity. Given the uncertainty and the high cost of providing parking, it is important to have allowance for reduced parking standards.

The proposed General Plan Amendment (pg 2-21) provides such flexibility: "Reduced parking standards may be allowed when the site is located within .25 mile of a transit stop." However, that statement is NOT referenced in the zoning Section 18.13.185.

Secondly, 0.5 mile is a more appropriate distance. Pedestrians generally are able to walk a distance of approximately one-half mile during a fifteen minute walk at a two mile per hour pace. On that basis, the Federal Transit Administration designated .5 mile as the catchment area for transit stations (<https://www.federalregister.gov/documents/2011/08/19/2011-21273/final-policy-statement-on-the-eligibility-of-pedestrian-and-bicycle-improvements-under-federal#p-56>).

So Section 18.13.185 should be amended to include an allowance for reduced parking standards within 0.5 mile of a transit stop.

Thank you for considering my comments. I would like them added to the public record.

Cheryl Longinotti
Member, Corte Madera Bicycle-Pedestrian Advisory Committee

Adam Wolff

From: Marla Orth <dhsys@sbcglobal.net>
Sent: Tuesday, September 13, 2016 5:17 PM
To: Adam Wolff
Subject: RE: Tamal Vista Corridor Changes

Hello Adam,

Inasmuch as I am unable to attend public meetings I thought I would send you an e-mail instead.

First and foremost I am totally against the proposed plan as presented for a lots of reasons. In the main the major points of concern can be summarized as follows:

- It seems like it was less than two months ago that the Town went to great lengths to concoct a plan to disallow housing from being incorporated into the commercial zoning area of TV. Now the Town proposes to amend the GP and change the zoning to make it mixed use with no explanation or rationale presented for this about-face change. As a long-term resident I would like to know why this change is being made, by whom, and for whose benefit.
- This is EXACTLY what was done by the Town when we inherited the WinCup fiasco and I fear history is about to repeat itself. If entitlements go with the property, then the Town and the public lose all right of comment AND moreover it completely skirts CEQA which is one of the few checks and balances remaining. Why on earth would the Town want to give that control away?
- The traffic study AFTER WinCup is occupied will not provide a true or accurate baseline for basis of comparison. It will significantly understate and provide a false picture of the reality and true impact. The Town MUST complete a study NOW (baseline). The Town has the opportunity to obtain actual traffic counts before WinCup is occupied and after it reaches 75-80% occupancy. This will give objective traffic volume related to new residential units/commercial impact in this area. It would provide a more accurate basis for traffic studies in the future and prevent the usual diminimous impact statements by traffic consultants.
- The "plan" is overall woefully inadequate and is reminiscent of other consultant-driven boilerplate prose. Promising that something will be done to assure sufficient levels of compliance without plan specifics makes it totally unreasonable to expect any sort of competent review or analysis. No one would invest in a house without full and fair disclosure and yet it would appear the residents of the town are expected to act on incomplete information.

Without more details supported by facts, figures, and third-party and unbiased reviewers, this plan should not proceed further.

Best,
Marla Orth

Jean Greenbaum, Esq.
1411 Casa Buena Drive, # 12
Corte Madera, CA 94925
415-637-9106
4jeangreenbaum@comcast.net

September 23, 2016

Via Email (rvaughn@tcmmail.org) Only

Corte Madera Town Council
300 Tamalpais Drive
Corte Madera, CA 94925

**Re: Objection to recommendation by the Planning Commission to change
the zoning of the Tamal Vista Boulevard Corridor**

Dear Town Council:

I am at a loss to understand the decision of the Planning Commission to recommend changing the current zoning for the Tamal Vista Boulevard Corridor (“the Corridor”) to include residential development. It is described in the study as a “fully developed urban area.” The current designation as “C3 Highway Commercial District” is an accurate description of the area. In my opinion, this area in our town is unsuitable for residential housing.

Corte Madera homeowners, including Council and Commission members, are fiercely protective of their property rights and fight any changes which they perceive to lower the quality of their homes. I am certainly a property owner who is protective of her home. But the Planning Commission is okay with mixing residences into a C3 area of Corte Madera which is, I believe, the closest housing would be to 101. There must be some city planning principles for housing which would not find it okay to allow residences everywhere in a town, no matter how undesirable it would be to live there.

I am not going to venture a guess as to the environmental studies performed on the land where ‘Wincup’ was developed over land used for a manufacturing plant. Properties used for many years for manufacturing are notorious for becoming toxic sites. The development’s now over-long history from concept to completion was comprised of many small decisions which resulted in one of the most maligned developments in Marin County. I personally agree that it deserves all the criticism it gets. I fear the recommendation to approve residential development in the Corridor is one small step to the same conclusion. It appears the Planning Commission has learned nothing from history.

From what I've seen of the environmental impact studies performed by the company used by the town, including the one for the Corridor, all negative environmental impacts are minimized or just plain ignored. The default designation appears to be "less than significant impact" for all the factors. Assisting developers to tackle obstacles to development is the purpose of these environmental impact studies.

Environmental racism is defined as the placement of low income or minority communities in proximity of environmentally hazardous or degraded environments, such as toxic waste, pollution and urban decay. While I recognize Corte Madera is not yet a town where income inequality and housing necessity results in extreme environmental impacts (Flint Michigan, blighted neighborhoods in cities where children suffer from health issues due to environmental factors), the message the Planning Commission is sending is very troubling to me.

Corte Madera has many areas where lower income housing exists but mixing residences into a fully developed commercial space on top of Highway 101 is a step too far and there is no necessity for immediate zoning changes. The Corridor study expressly states that its conclusions are speculative as they apply to traffic because Tam Ridge is not yet open. There is no immediate necessity for allowing more housing construction next door to a development where environmental and traffic impacts are not yet known.

The Study states that each new development proposal will need to go through the review process individually and therefore the speculative nature of the environmental impact conclusions in its Study are acceptable. Then there is no reason to change the zoning now. Each new proposed development can request a zoning variance and the decision can be made then when specific project environmental impacts can be assessed. The study can be used as a factor or guide in that determination. If there is a blanketed zoning change allowing residential development, it will be that much harder to stop another 'Wincup' development. To open up the floodgates prematurely is ill advised and unnecessary.

For the reasons stated above, I would urge the Town Council to not approve the zoning change to allow residential development in the Corridor. Let's put a limit on where we expect our fellow citizens to live no matter how financially disadvantaged they may be. Please do not rush this decision.

Respectfully,

Jean Greenbaum

Jean Greenbaum

Cc: Corte Madera Planning Commission

Adam Wolff

From: Peter Hensel <ptrhensel@comcast.net>
Sent: Wednesday, September 28, 2016 9:43 PM
To: 'Sloan Bailey'; Diane Furst; 'Carla Condon (Carla Condon)'; 'James Andrews'; Michael Lappert
Cc: Adam Wolff; David Bracken
Subject: Last Chance: SAVE The Cinema/Cultural Center

All--

I've been to Scandanavian's two locations in San Rafael--their large retail store on the corner of Fourth Street and their huge warehouse on Lindaro.

Hate to tell you but I think Scandanavian, a large retail chain, will probably try to replicate both structures in some form on what is now the cinema lot. And yes, that may mean demolishing the cinema building. To allow space for a warehouse. (Ugly!)

To prevent that, I suggested that language be added to the Tamal Vista Corridor Study saying that warehouses are a prohibited use along Tamal Vista.

But I don't see that my suggestion made it into the document.

Anyone know why?

Did it not get passed along?

Or did it get shot down?

Here's the language I suggested:

"New construction design in the corridor should be esthetic, appealing and appropriately scaled---as befits an attractive, walkable mixed use commercial area. Massive structures such as warehouses are prohibited as they do not fit corridor criteria."

---Peter Hensel

**CORTE MADERA TOWN COUNCIL
STAFF REPORT**

REPORT DATE: SEPTEMBER 30, 2016
MEETING DATE: OCTOBER 4, 2016

TO: TOWN MANAGER, MAYOR AND COUNCIL MEMBERS
FROM: ADAM WOLFF, DIRECTOR OF PLANNING AND BUILDING
SUBJECT: DISCUSSION AND POSSIBLE AUTHORIZATION TO SEND COMMENT
LETTER REGARDING PLAN BAY AREA 2040 DRAFT PREFERRED
SCENARIO PROJECTIONS

PURPOSE:

To review information received from the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) regarding their Draft Preferred Scenario, including household and job growth projections to the year 2040 for Corte Madera, and provide direction and/or authorization for staff to send a comment letter on the Town's behalf. MTC and ABAG have requested that local jurisdictions provide comments by October 14, 2016.

STAFF RECOMMENDATION:

Staff recommends that the Town Council discuss any concerns and/or questions that it would like to convey to the MTC/ABAG regarding their projections and or process, consolidate into a specific list of items, and authorize staff to draft a letter based on identified specific items.

TOWN MANAGER'S RECOMMENDATION:

Town Manager supports staff recommendations.

FISCAL IMPACT:

N/A

BACKGROUND:

Plan Bay Area 2040 is a state-mandated, integrated long-range transportation, land-use and housing plan intended to support a growing economy, provide more housing and transportation choices and reduce transportation-related pollution in the nine-county San Francisco Bay Area. It is required to be updated every four years with the next update due in 2017. The current update is a strategic update intended to take into account economic, environmental, and demographic changes since the adoption of the original Plan in 2013.

Attached to this staff report are several documents received from MTC over the course of the last month which attempt explain what the Draft Preferred Scenario is and how the projections were arrived at. It is recommended that these documents are reviewed by date starting with the email and letter received on August 30, 2016 from Ken Kirkey, Director, Planning, at MTC.

As described in Attachment A of the August 30th letter, the number of households in Corte Madera is expected to increase from 3,900 in 2010 to 4,350 and the number of jobs is expected to increase from 6,650 to 7,450, by 2040.

The Draft Preferred Scenario may be modified based on comments received and a Final Preferred Scenario is expected to be adopted by the MTC Board on November 17, 2016. From there, the Draft Plan will be developed along with an environmental assessment of its policies through an EIR.

ANALYSIS

Based on the projections in the Draft Preferred Scenario, during the 30 year period covered by Plan Bay Area 2040, household growth in Corte Madera is projected to grow by 450 households (11.5%) or by 15 households per year. Excluding the extremely high projections in household growth for Mill Valley (38.1%), which has since been deemed an error, Corte Madera's household growth is slightly higher than our surrounding jurisdictions (Larkspur 7.7%/15 households per year; Sausalito 8.4%/11.7 households/year; San Anselmo 4.8%/8.3 households per year; San Rafael 15.1%/113 households per year).

For reference, since 2010, building permits for approximately 200 units of new housing have been issued in Corte Madera meaning that the remaining household growth is projected to be 250 households over the next 23 years.

Job growth is expected to increase by 800 (12%) or by approximately 27 per year. This is similar to job growth projected in surrounding jurisdictions (Larkspur 18.1%; Mill Valley 10%; Sausalito 11.5%; San Anselmo 10.6 %; San Rafael 13.4%).

While staff does not view such growth rates as entirely unreasonable based on past growth rates and existing land use policies in our General Plan and Zoning Ordinance, it is difficult to comment on the quality or validity of the projections given that staff has not obtained information, despite best efforts, that indicate whether the inputs that have been used to model growth are accurate or not.

As discussed in the attachments, MTC has utilized a computer modelling program called UrbanSim to determine household and job growth distribution over the nine-county area. The foundation of the modelling program was the local zoning ordinances and general plans of each jurisdiction. However, local planning staff was not involved in reviewing or verifying the accuracy of those critical inputs. Recent efforts by to obtain more detailed information regarding the regulatory inputs that have been used for Corte Madera, including at a meeting with MTC staff on September 28th, have generally not provided any additional insight.

The information included in the attachments do provide clarity about the baseline figures used for 2010 and generally outline what factors UrbanSim has taken into account in distributing household and job growth throughout the Bay Area, but without a better understanding of the information used to make projections, it is difficult to come to any conclusions about the growth projected for Corte Madera.

Staff would recommend at a minimum commenting on the lack of information provided to generate constructive feedback on the Preferred Scenario.

ATTACHMENTS

1. INFORMATION RECEIVED FROM MTC REGARDING THE PREFERRED SCENARIO

ATTACHMENT 1

INFORMATION RECEIVED FROM MTC REGARDING THE PREFERRED SCENARIO

Adam Wolff

From: Ken Kirkey <KKirkey@mtc.ca.gov>
Sent: Tuesday, August 30, 2016 6:20 PM
To: Megan Espiritu; Ken Kirkey
Cc: Steve Heminger; Alix Bockelman; Brad Paul; Miriam Chion; Matt Maloney; Adam Noelting; Michael Reilly; Gillian Adams; Cynthia Kroll; Ezra Rapport
Subject: Plan Bay Area 2040 - Draft Preferred Scenario
Attachments: 8.30.16_Draft Preferred Scenario-Packet.pdf

Dear Colleagues,

The *Plan Bay Area 2040 Draft Preferred Scenario* is now ready for review and MTC and ABAG are seeking the input of local jurisdictions to inform the development of the Final Preferred Scenario slated for adoption in November 2016. As outlined in the attached Introduction, the *Draft Preferred Scenario* builds upon the current Plan Bay Area adopted in 2013 and represents a projected pattern of household and employment growth in the Bay Area through 2040. Combined with the corresponding transportation investment scenario and incorporating additional refinements based, in part, upon local jurisdictional feedback it will form the core of Plan Bay Area 2040 slated for final adoption in Summer, 2017.

We greatly appreciate your involvement and input in the development of Plan Bay Area 2040. Regional Agency Staff are currently working with county-level Planning Director organizations and Congestion Management Agencies to schedule staff-level presentations of the *Plan Bay Area 2040 Draft Preferred Scenario* in each county. Any written comments on the *Draft Preferred Scenario* should be submitted no later than October 14, 2016.

Please do not hesitate to contact me or Miriam Chion miriamc@abag.ca.gov with any questions or comments. We greatly appreciate your involvement and input in the development of Plan Bay Area 2040.

Best Regards,

Ken

Ken Kirkey
Director, Planning
Metropolitan Transportation Commission
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105
Main phone number: 415-778-6700
www.mtc.ca.gov

My direct phone number:
415-778-6790 (office)



DATE: August 30, 2016

RE: Plan Bay Area 2040 DRAFT Preferred Scenario

Dear Colleagues,

The *Plan Bay Area 2040 Draft Preferred Scenario* is now ready for review and MTC and ABAG are seeking the input of local jurisdictions to inform the development of the Final Preferred Scenario slated for adoption in November 2016. As outlined in the attached Introduction, the *Draft Preferred Scenario* builds upon the current Plan Bay Area adopted in 2013 and represents a projected pattern of household and employment growth in the Bay Area through 2040. Combined with the corresponding transportation investment scenario and incorporating additional refinements based, in part, upon local jurisdictional feedback it will form the core of Plan Bay Area 2040 slated for final adoption in Summer, 2017.

For many local communities, the distribution of 2040 employment and household forecasts may be viewed as the most important output of this effort. This draft information is included in Attachment A to the introduction, organized by local jurisdiction and split into PDA and jurisdiction totals. We understand that some adjustments may be necessary as we continue to refine the *Draft Preferred Scenario*'s assumptions. Regional Agency Staff are currently working with county-level Planning Director organizations and Congestion Management Agencies to schedule staff-level presentations of the *Plan Bay Area 2040 Draft Preferred Scenario* in each county. Information on the date/time and location of these meetings is available here: <http://planbayarea.org/misc/county-planning-directors-meetings.html>.

Regional agency staff will also be available during the month of September to meet with local planners from individual jurisdictions at the Bay Area Metro Center in San Francisco, via teleconference, or onsite with local jurisdictions to hear feedback as to where and how the *Draft Preferred Scenario* allocates the region's growth. This dialogue will be informed by model output, as well as local economics, pipeline projects, proposed policies, local plans and current zoning. Requests for jurisdictional meetings should be directed to Megan Espiritu, mespiritu@mtc.ca.gov. Any written comments on the *Draft Preferred Scenario* should be submitted no later than October 14, 2016. In response to this upcoming cycle of feedback, MTC and ABAG will make adjustments as appropriate during the month of September and October, with the goal of the MTC Commission and ABAG Executive Board adopting the Final Preferred Scenario on November 17, 2016.

Please do not hesitate to contact Ken Kirkey kkirkey@mtc.ca.gov or Miriam Chion miriamc@abag.ca.gov with any questions or comments. We greatly appreciate your involvement and input in the development of Plan Bay Area 2040.

Best Regards,

A handwritten signature in black ink, appearing to read "Steve Heminger".

Steve Heminger
MTC, Executive Director

A handwritten signature in black ink, appearing to read "Ezra Rapport".

Ezra Rapport
ABAG, Executive Director

Introduction to the Draft Preferred Scenario for Plan Bay Area 2040

Welcome to *Plan Bay Area 2040's Draft Preferred Scenario*. This vision for the nine-county San Francisco Bay Area builds on the groundbreaking *Plan Bay Area*, adopted by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) in 2013 after extensive analysis and outreach. Plan Bay Area 2040 continues to be guided by Senate Bill 375, requiring California's metropolitan areas to adopt an integrated long range regional transportation plan (RTP) and sustainable communities strategy (SCS) — a roadmap to reduce per-capita greenhouse gas emissions and house the region's population at all income levels.

Plan Bay Area 2040's *Draft Preferred Scenario* largely reflects the foundation established by its predecessor. The Plan creates a blueprint for providing sufficient housing for current residents and newcomers alike, at all income levels. It focuses development toward Priority Development Areas (PDAs) — neighborhoods that are close to public transit and identified by local jurisdictions as being appropriate for smart, compact development. Lastly, it confines growth to established communities, and protects the Bay Area's legacy of vast and varied open spaces.

What is the Draft Preferred Scenario?

The Draft Preferred Scenario represents a projected regional pattern of household and employment growth in 2040. Together with the corresponding transportation investment strategy, it forms the core of Plan Bay Area 2040. The Preferred Scenario and transportation investment strategy are evaluated against a set of regionally-adopted performance targets to measure how well the Plan addresses regional goals including climate protection, transportation system effectiveness, economic vitality, and equitable access. Only two targets are mandatory for the region to achieve under Senate Bill 375 – Climate Protection and Adequate Housing. The remaining 11 targets are voluntary, but provide a useful reference point for policymakers and the public to consider.

For many local jurisdictions, the distribution of 2040 employment and household forecasts may be viewed as the most important output of this effort. This draft information is included in Attachment A, organized by local jurisdiction, and split into PDA totals. These numbers stem from distributing ABAG's economic and demographic forecasts through use of an advanced regional land use model. The land use model, UrbanSim, went through an iterative set of adjustments in response to expert reviews, public input, and dialogue with local officials. ABAG regional planners developed a set of targets informed by local dialogue against which the model output could be evaluated.

Simply put, the most fundamental challenge faced by MTC and ABAG when developing these forecasts is to create a Plan that supports local plans while accommodating the region's total forecasted growth and meeting the state mandated sustainability goals. Thus, the Draft Preferred Scenario must assess potential opportunities for new housing and jobs while reflecting local aspirations and numerous local, regional, and state public policy decisions that affect growth and protect our natural areas.

The Draft Preferred Scenario does not mandate any changes to local zoning rules, general plans or processes for reviewing projects, nor is it an enforceable direct or indirect cap on development locations or targets in the region. As is the case across California, the Bay Area's cities, towns

and counties maintain control of all decisions to adopt plans and permit or deny development projects. Plan Bay Area 2040 also does not establish new state-mandated Regional Housing Needs Allocation (RHNA) numbers for each jurisdiction. RHNA operates on an eight-year cycle, with the next iteration not due until the 2021 RTP/SCS. Because RHNA numbers are not at stake this cycle, this update to the region's long-range plan has been characterized as **limited and focused**.

What's new and different?

The Bay Area economy has exploded over the past four years, attracting thousands of new people and jobs. Regional growth forecasts have been revised upward as a result. ABAG forecasts an additional 1.3 million jobs and 2.4 million people and therefore the need for approximately 820,000 housing units between 2010 and 2040. This represents an increase of 15 percent in the projected employment growth and a 25 percent increase in projected household growth, relative to the last Plan.

The economic surge has been both a blessing and a challenge, offering employment opportunities unseen since the Bay Area's dot-com boom, while also clogging freeways and public transit, and triggering an unprecedented housing squeeze, particularly for lower and moderate income workers, many of whom have been displaced or are at risk for displacement. Moving forward, some cities will welcome new residents and housing with open arms, seeing the opportunity to revitalize depressed areas, or to make better use of prime land around transit nodes. For other communities, accommodating future growth may be an acute challenge, practically and/or politically. The Draft Preferred Scenario recognizes the diversity of the region's communities, and that there is no "one size fits all" in terms of the type of future development desired by our residents.

To address the challenges of planning for an increasingly complex region, MTC and ABAG have continued to evolve technical methods for creating regional scenarios. UrbanSim incorporates current zoning for 2 million individual land parcels across the Bay Area, as well as available information about current regional and local economic and real estate market trends. UrbanSim is an ambitious project which compiles a large amount of data at a very detailed geographic resolution. The detailed level of UrbanSim output is used for the analysis of performance measures.

UrbanSim builds upon the methodology used by the Agencies in the prior Plan. The prior methodology combined a land use allocation process based on observed historic growth patterns with jurisdictional expectations described in local plans. This time, UrbanSim also incorporates zoning tools, the most recent PDA assessment, and household, business, and developer choice models. The agencies ran the model hundreds of times, testing the effects that different regional strategies could have on affecting the distribution of housing and employment growth. The output was measured against a set of growth targets put together by ABAG regional planners working with planners from local jurisdictions. Overall, the growth allocation results of the UrbanSim model align fairly closely with these growth targets at a summary level as well as for most localities, though, there are substantial differences for some individual localities. The extent of the differences between local plans and the UrbanSim output is a discussion for the agencies, regional stakeholders, and individual jurisdictions.

The *Draft Preferred Scenario* accommodates 100 percent of the needed housing units, and offers a rationale that these units can be built given future market conditions and existing or expected policies to support focused growth at the local, regional or state level.

How did we get here?

In May 2016, MTC and ABAG released three alternative land use and transportation scenarios illustrating the effects that different housing, land use, and transportation strategies would have on the adopted goals and performance targets. The three scenarios represented a progression of plausible regional futures, from more intense housing and employment growth in the urban core — called the “Big Cities Scenario”; to more evenly apportioned development among PDAs in medium-sized cities with access to rail services — labeled the “Connected Neighborhoods Scenario”; to a more dispersed development pattern, with more relative growth occurring outside of PDAs — known as the “Main Streets Scenario.”

The release of the scenarios initiated a public process in May and June 2016 to garner input from the public, stakeholders, community groups, and local officials, via public open houses in each county, an online comment forum as well as an online interactive quiz (the “Build a Better Bay Area” website). By July, MTC and ABAG had received comments from more than 1,100 residents. During this time period, the agencies received direct feedback from the local jurisdictions on the scenarios.

Additionally, the results of a 2015 PDA Assessment have also directly informed our confidence in the Draft Preferred Scenario. This assessment examined 65 of the nearly 200 locally identified PDAs. The analysis evaluated the likelihood of housing actually being built in each PDA, by examining local planning and permitting processes; community support for development; market forces, including the attractiveness of the area to investors, developers and builders; the capacity of water and sewer systems and other infrastructure; and the availability of financing. The PDA Assessment was a reality check. It found that under existing conditions — meaning with current zoning laws, policies and market conditions — only about 70 percent of housing allocated to PDAs in *Plan Bay Area 2013* would get built with these results being boosted to nearly 90 percent with a range of fairly aggressive policy and investment strategies. The results of the *Draft Preferred Scenario* align with the results of the PDA Assessment, providing added confidence in the regional forecast’s consideration of both market conditions and local policy.

Strategies included in the Preferred Scenario

Beyond built-in assumptions on local planning and market conditions, the Draft Preferred Scenario also works to incorporate a number of regional land use strategies, which can affect land use patterns by changing a community’s capacity for new development or incentivizing a particular type or location of growth. This combination of strategies is necessary to create a *Draft Preferred Scenario* that can achieve or move toward the region’s adopted targets.

The land use strategies incorporated in the Draft Preferred Scenario include the following:

- Current urban growth boundaries are kept in place.
- Inclusionary zoning was applied to all cities with PDAs, meaning that these jurisdictions are assumed to allow below-market-rate or subsidized multi-family housing developments.

- All for-profit housing developments are assumed to make at least 10 percent of the units available to low-income residents, in perpetuity (via deed restrictions).
- In some cases, PDAs were assigned higher densities in the future than are currently allowed.
- The cost of building in PDAs and/or Transit Priority Areas (TPAs) is assumed to be reduced by the easing of residential parking minimums and streamlining environmental clearance.
- Subsidies are assumed to stimulate housing and commercial developments within PDAs.

These measures are not prescriptive—again, there are many potential public policy options that could help the region attain its adopted targets. Rather, these strategies should be considered as illustrations of what it would take to keep the Bay Area an economically vibrant, diverse and sustainable region in the year 2040.

Moving Forward

Although the levels of new housing and jobs may appear daunting, the challenge becomes much more achievable when viewed through the long-range lens of a 25-year plan. For instance, a medium-sized city of 50,000 residents slated to absorb 1,000 more new housing units by 2040 than previously anticipated would in actuality need to only add 40 units a year to meet the target. That yearly figure could be reached by adding two 10-unit apartment buildings (or one 20-unit building) per year, and creating another 20 accessory dwelling units associated with single-family homes each year. In other words, in nearly all cases, jurisdictions should be able to absorb their housing allotments while fully retaining the character of their communities.

It is important to keep in mind that the process of refining the Bay Area’s ideal development pattern is nearly continuous to stay synced with the four-year mandated update cycles— we will revisit all the assumptions in the adopted Preferred Scenario as we launch the next update to Plan Bay Area. We learn more with each cycle, and are able to take those lessons and apply them to the forecasting and modeling as well as our public outreach methods for the next cycle.

Such assurances aside, regional planners and policymakers understand that some adjustments may be necessary as we continue to refine the *Draft Preferred Scenario*'s assumptions. To this end, a careful balancing act regarding future growth patterns is as much an art as a science, and we look forward to working with local planners and policymakers, stakeholders and members of the public in the coming weeks to advance our mutual understanding of the development climate and capacity in various jurisdictions, and to refine and improve this *Draft Preferred Scenario*.

Attachment A: Distribution of 2040 Household and Employment Forecasts

Attachment A: Distribution of 2040 Household and Employment Forecasts
 Plan Bay Area 2040 *Draft Preferred Scenario*

County	Jurisdiction	Summary Level	Households 2010	Household Forecast 2040	Employment 2010	Employment Forecast 2040
Alameda	Alameda	Total	30,100	41,700	29,200	39,600
		PDA	1,850	6,000	6,900	15,200
	Albany	Total	7,350	7,850	4,400	5,600
		PDA	300	550	2,100	2,450
	Berkeley	Total	46,500	55,700	90,300	139,400
		PDA	6,700	13,300	28,500	42,000
	Dublin	Total	14,900	23,300	18,100	31,400
		PDA	3,100	8,500	5,000	14,000
	Emeryville	Total	5,600	14,300	15,850	20,550
		PDA	2,400	10,500	13,500	16,850
	Fremont	Total	70,000	89,900	86,200	114,500
		PDA	23,000	41,200	38,200	46,000
	Hayward	Total	45,100	53,200	60,900	92,400
		PDA	4,350	8,600	7,600	10,300
	Livermore	Total	28,600	30,900	42,600	48,800
		PDA	850	2,100	23,800	27,750
	Newark	Total	12,900	15,450	17,300	25,600
		PDA	200	2,150	200	450
	Oakland	Total	157,200	235,000	179,100	257,500
		PDA	115,500	190,500	158,200	229,400
	Piedmont	Total	3,800	3,850	1,800	1,750
		PDA				
	Pleasanton	Total	24,700	34,600	60,100	69,900
		PDA	1,300	8,000	12,500	19,600
	San Leandro	Total	30,800	38,500	49,700	66,800
		PDA	4,700	11,700	9,750	11,000
	Union City	Total	20,300	24,200	21,000	30,700
		PDA	500	3,450	250	250
	Alameda County Unincorporated	Total	50,000	56,300	28,850	33,700
		PDA	10,450	12,850	6,850	8,850
County Total	Total	548,000	724,700	705,500	978,300	
	PDA	175,100	319,300	313,400	444,000	

County	Jurisdiction	Summary Level	Households 2010	Household Forecast 2040	Employment 2010	Employment Forecast 2040
Contra Costa	Antioch	Total	32,400	41,900	20,200	25,400
		PDA	1,400	5,200	2,050	2,300
	Brentwood	Total	16,800	29,700	11,600	12,150
	Clayton	Total	3,950	4,050	2,000	2,100
	Concord	Total	45,000	66,000	54,200	95,200
		PDA	4,000	22,200	10,200	41,400
	Danville	Total	15,300	16,550	11,800	12,450
		PDA	1,350	2,000	6,300	6,600
	El Cerrito	Total	10,300	11,950	5,300	5,750
		PDA	750	2,000	3,800	4,550
	Hercules	Total	8,300	10,600	4,850	6,050
		PDA	900	2,650	1,150	1,500
	Lafayette	Total	9,200	10,750	9,050	9,650
		PDA	1,700	2,700	6,650	7,250
	Martinez	Total	14,250	15,450	20,800	26,200
		PDA	700	850	6,800	9,650
	Moraga	Total	5,600	5,750	4,500	5,800
		PDA	30	40	1,400	1,650
	Oakley	Total	10,600	16,700	3,350	6,050
		PDA	800	6,400	1,550	4,050
	Orinda	Total	6,500	7,050	4,850	5,150
		PDA	250	550	2,650	2,800
	Pinole	Total	6,550	7,300	6,850	9,000
		PDA	350	950	5,250	6,950
	Pittsburg	Total	19,400	27,400	11,800	16,400
		PDA	5,150	8,900	4,600	6,100
	Pleasant Hill	Total	13,500	14,000	16,300	19,600
		PDA	850	950	5,750	7,100
	Richmond	Total	36,700	56,500	30,800	63,500
		PDA	8,600	22,300	13,400	37,000
	San Pablo	Total	8,950	9,600	7,400	10,000
		PDA	2,000	2,350	4,850	6,700
	San Ramon	Total	24,400	31,100	47,900	46,100
PDA		200	5,800	25,650	22,400	
Walnut Creek	Total	30,400	38,200	51,050	54,550	
	PDA	4,950	9,550	27,400	29,500	
Contra Costa County	Total	57,800	70,700	0	0	
Unincorporated	PDA	4,400	16,100	0	0	
County Total	Total	375,900	491,200	360,200	472,700	
	PDA	38,300	111,500	138,200	209,400	

County	Jurisdiction	Summary Level	Households 2010	Household Forecast 2040	Employment 2010	Employment Forecast 2040
Marin	Belvedere	Total	900	1,000	300	300
		PDA				
	Corte Madera	Total	3,900	4,350	6,650	7,450
		PDA				
	Fairfax	Total	3,400	3,550	1,550	1,700
		PDA				
	Larkspur	Total	5,850	6,300	7,450	8,800
		PDA				
	Mill Valley	Total	5,900	8,150	6,000	6,600
		PDA				
	Novato	Total	20,150	21,350	26,400	29,500
		PDA				
	Ross	Total	800	900	350	400
		PDA				
	San Anselmo	Total	5,200	5,450	3,300	3,650
		PDA				
San Rafael	Total	22,550	25,950	43,300	49,100	
	PDA	1,650	2,750	9,000	10,100	
Sausalito	Total	4,150	4,500	5,200	5,800	
	PDA					
Tiburon	Total	3,600	3,850	2,850	2,900	
	PDA					
Marin County Unincorporated	Total	27,450	30,600	17,500	21,350	
	PDA	1,500	2,050	650	750	
County Total	Total	103,900	115,900	120,800	137,600	
	PDA	3,150	4,800	9,650	10,850	
Napa	American Canyon	Total	5,400	7,000	5,450	8,150
		PDA	400	1,500	1,350	1,700
	Calistoga	Total	2,050	2,400	2,200	2,650
		PDA				
	Napa	Total	28,100	30,250	34,000	36,500
		PDA	350	1,200	5,300	6,300
	St. Helena	Total	2,400	3,000	5,700	5,650
		PDA				
	Yountville	Total	1,100	1,200	2,750	2,750
		PDA				
Napa County Unincorporated	Total	10,200	11,850	20,550	23,250	
	PDA					
County Total	Total	49,200	55,700	70,700	79,000	
	PDA	800	2,700	6,600	8,050	
San Francisco	San Francisco	Total	347,100	475,500	576,900	887,800
		PDA	184,000	302,300	473,800	765,000

County	Jurisdiction	Summary Level	Households 2010	Household Forecast 2040	Employment 2010	Employment Forecast 2040
San Mateo	Atherton	Total	2,350	2,500	2,150	2,300
	Belmont	Total	8,800	9,600	7,900	10,000
		PDA	2,500	2,850	3,500	4,450
	Brisbane	Total	1,800	6,300	5,200	17,600
		PDA	0	4,400	0	10,900
	Burlingame	Total	12,250	13,800	28,000	38,300
		PDA	6,950	8,300	11,500	15,700
	Colma	Total	850	1,250	3,950	4,900
		PDA	700	1,050	1,450	1,950
	Daly City	Total	30,700	37,000	18,400	23,150
		PDA	8,500	13,500	4,650	5,800
	East Palo Alto	Total	6,950	9,950	5,100	7,000
		PDA	800	2,200	950	1,750
	Foster City	Total	11,900	14,250	15,800	21,800
	Half Moon Bay	Total	4,200	4,700	4,900	5,200
	Hillsborough	Total	3,750	3,950	2,100	2,300
	Menlo Park	Total	12,300	17,800	34,600	45,000
		PDA	200	1,050	6,200	7,950
	Millbrae	Total	7,950	11,000	5,900	12,900
		PDA	600	3,350	2,800	9,100
	Pacifica	Total	13,900	14,300	5,950	7,300
	Portola Valley	Total	1,700	1,750	2,700	3,000
	Redwood City	Total	27,800	36,000	59,200	85,000
		PDA	600	6,700	20,700	27,600
	San Bruno	Total	14,600	18,300	12,900	15,350
		PDA	3,700	6,750	9,300	11,300
	San Carlos	Total	13,200	13,700	16,300	21,700
		PDA	50	100	1,200	1,650
	San Mateo	Total	37,900	49,200	51,000	67,600
		PDA	11,200	19,200	25,300	34,000
South San Francisco	Total	20,450	23,450	38,800	55,400	
	PDA	5,300	7,650	8,250	11,350	
Woodside	Total	2,050	2,500	1,950	2,150	
San Mateo County Unincorporated	Total	21,400	24,500	20,600	27,500	
	PDA	2,400	2,950	3,200	4,100	
County Total	Total	256,900	315,800	343,300	475,300	
	PDA	43,500	80,100	99,000	147,600	

County	Jurisdiction	Summary Level	Households 2010	Household Forecast 2040	Employment 2010	Employment Forecast 2040
Santa Clara	Campbell	Total	16,550	18,950	25,200	31,800
		PDA	600	1,650	5,250	6,950
	Cupertino	Total	20,900	24,450	26,800	53,100
		PDA	2,250	4,900	9,800	13,950
	Gilroy	Total	14,000	19,600	17,850	20,800
		PDA	1,400	3,350	4,500	5,300
	Los Altos	Total	10,500	12,000	14,050	16,750
		PDA	0	200	2,200	2,650
	Los Altos Hills	Total	2,850	3,050	1,550	1,750
	Los Gatos	Total	11,900	12,400	19,000	21,250
	Milpitas	Total	19,000	30,800	42,000	56,400
		PDA	800	8,800	5,700	9,900
	Monte Sereno	Total	1,250	1,350	550	550
	Morgan Hill	Total	12,550	15,500	19,250	20,700
		PDA	250	900	1,550	1,400
	Mountain View	Total	31,800	58,500	48,500	69,600
		PDA	5,800	29,300	25,200	39,000
	Palo Alto	Total	26,550	29,150	102,000	123,200
		PDA	500	950	3,850	4,800
	San Jose	Total	297,700	440,600	387,700	502,600
		PDA	67,200	201,700	229,200	299,400
	Santa Clara	Total	42,100	54,900	102,900	189,100
		PDA	300	6,200	10,200	13,100
Saratoga	Total	10,650	11,000	8,750	9,500	
Sunnyvale	Total	52,600	80,700	65,800	116,000	
	PDA	6,200	32,000	21,900	29,000	
Santa Clara County Unincorporated	Total	26,100	33,600	29,500	36,500	
County Total	Total	597,100	846,600	911,500	1,269,700	
	PDA	85,300	289,800	319,200	425,500	

County	Jurisdiction	Summary Level	Households 2010	Household Forecast 2040	Employment 2010	Employment Forecast 2040
Solano	Benicia	Total	10,700	11,800	12,900	18,600
		PDA	600	900	2,050	2,050
	Dixon	Total	5,850	6,950	4,850	6,100
		PDA	450	550	300	350
	Fairfield	Total	34,200	38,700	43,100	51,600
		PDA	2,300	5,000	6,450	7,100
	Rio Vista	Total	3,700	10,400	2,350	2,450
	Suisun City	Total	9,000	9,650	2,500	3,000
		PDA	1,100	1,550	1,100	1,300
	Vacaville	Total	31,000	33,050	29,300	35,000
		PDA	850	2,250	4,900	4,950
	Vallejo	Total	40,950	45,050	30,900	35,300
		PDA	400	1,150	2,600	3,050
	Solano County Unincorporated	Total	6,900	14,700	4,250	4,400
	County Total	Total	142,300	170,300	130,200	156,500
PDA		5,700	11,400	17,350	18,800	
Sonoma	Cloverdale	Total	3,250	5,250	1,750	1,600
		PDA	800	2,850	550	500
	Cotati	Total	3,050	3,550	2,700	3,000
		PDA	350	700	700	700
	Healdsburg	Total	4,400	4,700	8,400	9,900
	Petaluma	Total	21,800	27,100	30,000	35,700
		PDA	500	4,450	3,500	4,050
	Rohnert Park	Total	15,000	21,100	12,050	13,350
		PDA	1,300	5,300	4,250	4,900
	Santa Rosa	Total	63,800	78,800	76,400	91,700
		PDA	16,800	30,300	41,100	48,600
	Sebastopol	Total	3,300	5,000	5,000	5,050
		PDA	2,050	3,750	4,650	4,650
	Sonoma	Total	4,900	6,250	7,150	8,050
	Windsor	Total	9,050	10,550	7,600	9,200
PDA		1,100	2,300	900	1,200	
Sonoma County Unincorporated	Total	58,300	68,600	51,700	63,900	
County Total	Total	186,800	231,000	202,700	241,400	
	PDA	23,000	49,700	55,800	64,600	
Regional Total	Total	2,607,000	3,427,000	3,422,000	4,698,000	
	PDA	559,000	1,172,000	1,433,000	2,094,000	

Adam Wolff

From: Ken Kirkey <KKirkey@mtc.ca.gov>
Sent: Thursday, September 15, 2016 5:39 PM
To: Megan Espiritu; Ken Kirkey
Cc: Steve Heminger; Alix Bockelman; Brad Paul; Miriam Chion; Matt Maloney; Adam Noelting; Michael Reilly; Gillian Adams; Cynthia Kroll; Ezra Rapport; David Ory; Julie Teglovic; Sarina Seaton
Attachments: 09 15 16 PBA2040 Draft Preferred Scenario_Jurisdictional Input.pdf

Dear Colleagues,

We greatly appreciate your involvement and input in the development of Plan Bay Area 2040. As many of you're aware Regional Agency Staff are in the midst of providing staff-level presentations of the *Plan Bay Area 2040 Draft Preferred Scenario* in each county. The dialogue thus far has been very good and we look forward to the remaining meetings over the next few weeks.

Some of you have requested a link to the PBA2040 Draft Preferred Scenario powerpoint presentation and related materials. Here it is: <http://mtc.ca.gov/whats-happening/meetings/meetings-archive/joint-mtc-planning-committee-abag-administrative-13>

We encourage you to share the materials with your Elected Officials and City Managers.

The attached document is a brief memo intended to provide additional background on the development of the PBA2040 Draft Preferred Scenario and guidance for providing input to inform the Final Preferred Scenario slated for adoption on November 17, 2016.

Please do not hesitate to contact me or Miriam Chion miriamc@abag.ca.gov with any questions or comments.

Best Regards,

Ken

Ken Kirkey
Director, Planning
Metropolitan Transportation Commission
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105
Main phone number: 415-778-6700
www.mtc.ca.gov

My direct phone number:
415-778-6790 (office)

To: City and County Planning Staff

From: MTC/ABAG Regional Planning Staff

RE: Plan Bay Area 2040 - Draft Preferred Scenario: Local Jurisdictional Input

Date: 9-15-16

DRAFT Preferred Scenario – Plan Bay Area 2040 (PBA2040)

This brief memo is intended to provide additional background on the development of the PBA2040 Draft Preferred Scenario and guidance for providing input to inform the Final Preferred Scenario slated for adoption on November 17, 2016.

UrbanSim and the Draft Preferred Scenario Growth Pattern - Overview

UrbanSim is the regional land use model utilized by MTC/ABAG that combines information to forecast likely future development patterns in the San Francisco Bay Area. The model is being used to establish the growth pattern for the Draft Preferred Scenario for Plan Bay Area 2040 (PBA2040).

In producing a future development pattern, UrbanSim considers a range of information for each land parcel in the Bay Area. Significant inputs to the regional land-use model to develop the Draft Preferred Scenario include: the general plans of every city and county in the region (the local plans are the model's foundation along with the related individual parcel database); the Plan Bay Area land use pattern (adopted in 2013); feedback related to the PBA2040 Alternative Scenarios; Land Use targets developed by ABAG staff incorporating local jurisdictional input; and, the Priority Development Area (PDA) Assessment that provided information regarding the viability of growth in many of the PDAs across the region.

Jurisdictional Inquiries

Cities or counties that are seeking to provide input relative to the Draft Preferred Scenario are requested to do so in writing no later than October 14, 2016.

In addition to meetings with Planning Directors in each county during September, Regional agency planning staff are available to meet with local jurisdictional planning staff in one-on-one meetings from September 27-29. Meetings may occur either at the Bay Area Metro Center in San Francisco or via teleconference. Please contact Megan Espiritu mespiritu@mtc.ca.gov to request a meeting.

To help ensure a productive dialogue, local planning staff are asked to provide information outlining the specific issue(s) that will be the subject of the requested meeting. If you have clarifying questions regarding the inputs, growth allocations or other matters pertaining to the Draft Preferred Scenario please forward them to kkirkey@mtc.ca.gov and I will direct your inquiry to the appropriate staff person. The following are key parameters of UrbanSim utilized to establish a growth distribution across the region's 101 cities and 9 counties:

Zoning:

- Local zoning and/or general plans are the base representation in UrbanSim.
- Allowable intensity: does not exceed the maximum number of dwelling units allowed per acre, the maximum height allowed, and/or the maximum FAR allowed by zoning or the general plan
 - Other policies that impact effect maximum density (e.g., set-backs, hillside ordinances) are represented by adjusting the maximum dwelling units per acre or the maximum FAR
 - PDA modifications: in some PDAs, maximum intensities have been increased
- Prohibitions: development is not allowed on government-owned land, parcels with long-term conservation easements, transportation/city infrastructure, water or wetlands, and parcels with very old/historic buildings
- Developer profitability:
 - More expensive existing uses increase cost of development on the parcel (and decrease development likelihood, all else equal)
 - Higher demand for a potential development in a location increases profit (and increases development demand, all else equal)

Adam Wolff

From: Ken Kirkey <KKirkey@mtc.ca.gov>
Sent: Thursday, September 29, 2016 4:19 PM
To: Carolyn Clevenger; marcella.rensi@vta.org; Ying Smith; Tom Madalena; jhigaki@smcgov.org; amber.crabbe@sfcta.org; Derek McGill; Janet Spilman; Tess Lengyel; Robert Macaulay; bbeck@ccta.net; Martin Engelmann; dschmitz@nctpa.net; jeff.hobson@sfcta.org
Cc: Matt Maloney; Megan Espiritu; Sarina Seaton; Adam Noelting; Gillian Adams
Subject: PBA2010 - 2010 Base Year Numbers Explained

Hello Colleagues,

The following blurb is intended to explain the 2010 base numbers for the Plan Bay Area 2040 Draft Preferred Scenario, some of the details behind the numbers and how and why they differ from the 2010 base numbers used for PBA2013.

We would greatly appreciate it if you could share this information with jurisdictions in your respective counties. We also, very much appreciate the support provided by you and your staff related to the update of the Plan!

Thanks,

Ken

Plan Bay Area 2040 – 2010 Base Numbers Overview

The UrbanSim land use model forecasts future land use patterns starting out from a base year representation of the Bay Area. For this Plan, the base year is 2010 and the base year data is the same across all scenarios. Every building present in the Bay Area in 2010 is represented in the base year database. Building information is pulled from each county assessor's file, Costar commercial real estate data, and various smaller sources. Buildings have types (SFD, office, etc), ages, sizes, and values. In general, residential buildings contain households and commercial buildings contain jobs.

Household information for the base year is taken from the 2010 census. The census provides a great sample of the types of households in small geographies such as the block group. Like the travel model, UrbanSim represents every household individually so we must expand the census sample into a complete "synthetic population". We do this in each block group and then assign each household to a housing unit within the block group. This produces a high resolution map of households across the region that is very similar to the true (but unknown) distribution of households. However, because block groups do not align with jurisdictional boundaries, the 2010 count within a jurisdiction will be slightly different from the census count.

Employment is similarly represented but the 2010 numbers have changed more from the last plan. To build the 2010 employment map, we took a count of employees by industry class in each block group from a detailed Dun & Bradstreet map. These counts were scaled to match ABAG's BLS-derived county totals by industry. Then the employees were assigned to individual buildings within each block group. So, at the jurisdictional level, employment counts differ from the last plan based on the block group based assignment method and the use of different definitions and datasets to represent employment.

Employment in UrbanSim's the PBA40 Draft Preferred Scenario

The UrbanSim model forecasts the future employment pattern:

- ❖ Explicitly represents commercial buildings of different types (e.g., office, retail)
 - Each has attributes including size, vacancy, age, location, rent
- ❖ Each year, new employees and a small percentage of existing employees are assigned to new locations using a logistic regression model
 - Variety of factors affect these choices
 - Building type very important but still probabilistic: uses sectors so Chevron can be in industrial or office
 - For retail, access to customers is important in terms of regional pattern of growth
 - For most jobs in offices, being close to other jobs of the same type is important (i.e., agglomeration)
- ❖ When vacancy rate is low, new commercial buildings are built
 - In general, this uses a pro forma just like with residential
 - Developer aims to maximize profit so looking for higher rents and lower costs (e.g., a cheaper existing building)
 - Unlike residential, the Bay Area has far more land zoned for commercial than is needed: commercial construction is much more market driven and "footloose"
 - In general, policy interventions have less impact than with residential

When applied to the PBA40 Draft Preferred Scenario, a few key points are important to keep in mind:

- ❖ On account of the Great Recession, the base year 2010 had a very high level of vacant commercial space
 - Lots of job growth and construction in late 1990s and mid 2000s
 - Most of this was available for new job growth in the last 5 years
- ❖ The last five years saw 500,000 jobs added in the Bay Area with around 2/5 of these jobs located in newly constructed commercial space
 - Both the job growth and the construction were highly concentrated from San Francisco to northwestern Santa Clara County
- ❖ ABAG forecasts a total of 1.3 million new jobs added between 2010 and 2040
 - So over 1/3 of forecast growth has already occurred
- ❖ ABAG forecasts that future employees will use around 20% less space per employee in core parts of the region

- ❖ The Development Projects list contains additional commercial projects that are assumed to be built in the near future
 - Most of these are residential but there are significant commercial projects such as Santa Clara's City Place
- ❖ All together, when ABAG's forecast is combined with what's happened in the last 5 years, most of what needs to be built by 2040 has been built
 - UrbanSim sites a moderate amount of retail growth but almost no office development
 - The 2040 distribution of jobs is largely a result of existing 2010 vacancy and recent construction

CORTE MADERA TOWN COUNCIL
STAFF REPORT

Report Date: September 28, 2016
Meeting Date: October 4, 2016

TO: MAYOR AND TOWN COUNCIL

FROM: DAVID BRACKEN, ASST. TOWN MANAGER, DIR. OF PUBLIC WORKS, TOWN ENGINEER

SUBJECT: LONG TERM FINANCIAL PLAN – FY 2016-2017 SUPPLEMENTAL APPROPRIATION

* * * * *

PURPOSE:

Supplemental appropriations to the adopted Capital Projects Budget require Town Council Approval.

STAFF RECOMMENDATION:

By motion, approve a supplemental appropriation of \$50,000 from the General Fund for a Phase 2 of the Long Term Financial Plan Project.

OPTIONS:

1. Approve a different amount for the supplemental appropriation
2. Continue the item and request additional information from staff
3. Take no action

TOWN MANAGER'S RECOMMENDATION:

Support staff's recommendation.

FISCAL IMPACT:

Approving a \$50,000 supplemental appropriation would increase the General Fund deficit (\$6,100,000 as of June 30, 2015) by that amount.

CEQA STATUS:

Action on this item would not constitute a project and therefore is not subject to the California Environmental Quality Act (CEQA)

BACKGROUND/DISCUSSION:

The Town Council approved \$25,000/year in this two year budget cycle for a long term financial plan. The objective is to assure long-term financial stability, to maintain the Town's solvency and liquidity, to help achieve long-term capital improvement projects, to improve understanding and transparency of the Town's financial position and reporting requirements, and to improve budget and financial reporting. In addition, the plan will develop recommendations and policies for minimum reserve fund balance levels, for prioritization of Town expenditures, for capital project budgeting, and for future pension and retiree health obligations.

The Town retained the team of NHA Advisors and Seifel Consulting Inc. (NHA/Seifel) in 2015 to perform this task. NHA/Seifel went beyond the original scope of work to better understand the needs of the Town Council members and Town staff. They evaluated the Town's accounting system and our accounting procedures and capabilities. They also investigated options available to enhance financial reporting. Based on this a "best practices review" of the Tyler/Eden system (the software system used by Finance) was implemented, resulting in recommended improvements to the existing Tyler/Eden system. A recommendation was also made to purchase and utilize the reporting system of OpenGov (this purchase was made last June), which is a cloud based platform that integrates seamlessly with the Tyler/Eden system. OpenGov can power the budget process, drive accurate management reporting, and can easily and simply inform elected officials and citizens with open financial data.

NHA/Seifel gave a presentation to the Town Council at our August 2nd Council meeting which identified the work they had done to date and recommended next steps to implement the plan. Please see attached memo from NHA advisors dated July 14, 2016. The presentation seemed to be well received by the Town Council and the public. Also attached is a proposed amendment to the original scope of work which outlines additional tasks recommended to complete a Phase 2 of the project.

Staff has been very impressed with the work NHA/Seifel have done to date and their commitment to understanding the needs of the Town . They have already gone well beyond the original scope of work in order to determine those needs and to establish a plan to achieve them. Staff highly recommends that the Town Council approve the requested supplemental appropriation for a Phase 2 of the Long Term Financial Plan.

ATTACHMENTS:

1. Professional Services Agreement between The Town of Corte Madera and NHA Advisors, LLC
2. Memorandum from NHA Advisors dated July 14, 2016
3. Exhibit A, Amendment I (including an updated Exhibit B) 1 to original scope of services

Attach ment 1

Professional Services Agreement between The Town of Corte
Madera and NHA Advisors, LLC

**PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE TOWN OF CORTE MADERA
AND
NHA ADVISORS, LLC**

THIS AGREEMENT for consulting services is made by and between the Town of Corte Madera (the "Town") and NHA Advisors, LLC (the "Consultant") (together referred to as the "Parties") as of November 24, 2015 (the "Effective Date").

The Town desires to engage the expert financial advisory and professional services of an independent registered municipal advisor (NHA Advisors, LLC) and an independent fiscal consultant (Seifel Consulting Inc.) to advise the Town on how best to assure the Town's fiscal health and to recommend a financial strategy that would enable the Town to achieve its capital facility and fiscal objectives.

Section 1 – SERVICES

Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to Town the services described in the Scope of Work attached as Exhibit A, and incorporated herein, at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

If Town elects a course of action that is independent of or contrary to the advice provided by Consultant, Consultant is not required on that basis to disengage from Town.

- 1.1 Term of Services.** The term of this Agreement shall begin on the Effective Date and shall end on December 30, 2016, and Consultant shall complete the work described in Exhibit A on or before that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the Town's right to terminate the Agreement, as referenced in Section 8.
- 1.2 Standard of Performance.** Consultant shall perform all services required pursuant to this Agreement according to the standards observed by a competent practitioner of the profession in which Consultant is engaged.
- 1.3 Assignment of Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that Town, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from Town of such desire of Town, reassign such person or persons.

- 1.4** Time. Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.1 above and to satisfy Consultant's obligations hereunder.

Section 2 - COMPENSATION

Town hereby agrees to pay Consultant compensation for services performed in Exhibit A (Scope of Services) under the Compensation Schedule (Exhibit B).

Town shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from Town to Consultant for services rendered pursuant to this Agreement. Consultant shall submit all invoices to Town in the manner specified herein. Except as specifically authorized by Town in writing, Consultant shall not bill Town for duplicate services performed by more than one person.

Consultant and Town acknowledge and agree that compensation paid by Town to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. Town therefore has no responsibility for such contributions beyond compensation required under this Agreement.

- 2.1** Invoices. Consultant shall submit invoices, not more often than once a month during the term of this Agreement, based on the cost for services performed and reimbursable costs incurred prior to the invoice date. Invoices shall contain the following information:

- The beginning and ending dates of the billing period;
- At Town's option, for each work item in each task, a copy of the applicable time entries or time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense;
- For work performed on an hourly Compensation Schedule, the total number of hours of work performed under the Agreement by Consultant and each employee, agent, and subcontractor of Consultant performing services hereunder;

- 2.2** Monthly Payment. Town shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred. Town shall have 30 days from the receipt of an invoice that complies with all of the requirements above to pay Consultant.

- 2.3 Final Payment.** Town shall pay the final sum due pursuant to this Agreement within 60 days after completion of the services and submittal to Town of a final invoice, if all services required have been satisfactorily performed.
- 2.4 Total Payment.** Town shall pay for the services to be rendered by Consultant pursuant to this Agreement. Town shall not pay any additional sum for any expense or cost whatsoever incurred by Consultant in rendering services pursuant to the scope of work in this Agreement. Town shall make no payment for any extra, further, or additional service pursuant to this Agreement, unless the Town authorizes a modification in writing.
- In no event shall Consultant submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment.
- 2.5 Hourly Fees.** Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the compensation schedule attached hereto as Exhibit B.
- 2.6 Reimbursable Expenses.** Reimbursable expenses are specified below, and shall not exceed \$1,500. Expenses will typically include third-party data collection or services not provided by Town. Reimbursable expenses are in addition to the total amount of compensation provided under this Agreement that shall not be exceeded.
- 2.7 Payment of Taxes.** Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.
- 2.8 Payment upon Termination.** In the event that the Town or Consultant terminates this Agreement pursuant to Section 8, the Town shall compensate the Consultant for all outstanding costs and reimbursable expenses incurred for work satisfactorily completed as of the date of written notice of termination. Consultant shall maintain adequate logs and timesheets to verify costs incurred to that date.
- 2.9 Authorization to Perform Services.** The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.

Section 3 - FACILITIES AND EQUIPMENT

Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. Town shall make available to Consultant only the facilities and equipment listed in this section, and only under the terms and conditions set forth herein.

Town shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Consultant's use while consulting with Town employees and reviewing records and the information in possession of the Town. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of Town. In no event shall Town be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, long-distance telephone or other communication charges, vehicles, and reproduction facilities.

Section 4 - INSURANCE REQUIREMENTS

Before beginning any work under this Agreement, Consultant, at its own cost and expense, unless otherwise specified below, shall procure the types and amounts of insurance listed below against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Consultant and its agents, representatives, employees, and subcontractors. Consistent with the following provisions, Consultant shall provide proof satisfactory to Town of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects, and that such insurance is in effect prior to beginning work to the Town. Consultant shall maintain the insurance policies required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Consultant's bid. Consultant shall not allow any subcontractor to commence work on any subcontract until Consultant has obtained all insurance required herein for the subcontractor(s) and provided evidence that such insurance is in effect to Town. Verification of the required insurance shall be submitted and made part of this Agreement prior to execution. Consultant shall maintain all required insurance listed herein for the duration of this Agreement.

- 4.1 **Workers' Compensation.** In the event Consultant engages employees subject to the State of California's worker's compensation requirements, the Consultant shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than \$1,000,000 per accident. In the alternative, Consultant may rely on a self-insurance program to meet those requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code. Determination of whether a self-insurance program meets the standards of the Labor Code shall be solely in the discretion of the Contract Administrator. The insurer, if insurance is provided, or the Consultant, if a program of self-insurance is provided, shall waive all rights of subrogation against the Town and its officers,

officials, employees, and volunteers for loss arising from work performed under this Agreement.

4.2 Commercial General and Automobile Liability Insurance.

4.2.1 General requirements. Consultant, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than \$1,000,000 per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

4.2.2 Minimum scope of coverage. Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (most recent edition) covering comprehensive General Liability on an "occurrence" basis. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (most recent edition), Code 1 (any auto). No endorsement shall be attached limiting the coverage.

4.2.3 Additional requirements. Each of the following shall be included in the insurance coverage or added as a certified endorsement to the policy:

- a. The Insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.
- b. Town, its officers, officials, employees, and volunteers are to be covered as additional insured as respects: liability arising out of work or operations performed by or on behalf of the Consultant; or automobiles owned, leased, hired, or borrowed by the Consultant
- c. For any claims related to this Agreement or the work hereunder, the Consultant's insurance covered shall be primary insurance as respects the Town, its officers, officials, employees, and

volunteers. Any insurance or self-insurance maintained by the Town, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

- d. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after 30 days' prior written notice has been provided to the Town.

4.3 Professional Liability Insurance.

4.3.1 General requirements. Consultant, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than \$1,000,000 covering the licensed professionals' errors and omissions. Any deductible or self-insured retention shall not exceed \$250,000 per claim.

4.3.2 Claims-made limitations. The following provisions shall apply if the professional liability coverage is written on a claims-made form:

- a. The retroactive date of the policy must be shown and must be before the date of the Agreement.
- b. Insurance must be maintained and evidence of insurance must be provided during the term of the Agreement or the work, so long as commercially available at reasonable rates.
- c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant must purchase an extended period coverage for a minimum of five years after completion of work under this Agreement.
- d. A copy of the claim reporting requirements must be submitted to the Town for review prior to the commencement of any work under this Agreement.

4.4 All Policies Requirements.

4.4.1 Acceptability of insurers. All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A:VII.

4.4.2 Verification of coverage. Prior to beginning any work under this Agreement, Consultant shall furnish Town with complete copies of all policies delivered to Consultant by the insurer, including complete copies of all endorsements attached to those policies. All copies of policies and endorsements shall show the signature of a person authorized by that insurer to bind coverage on its behalf. If the Town does not receive the required insurance documents prior to the Consultant beginning work, it shall not waive the Consultant's obligation to provide them. The Town reserves the right to require complete copies of all required insurance policies at any time.

4.4.3 Deductibles and Self-Insured Retentions. Consultant shall disclose to and obtain the written approval of Town for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement. At the option of the Town, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the Town, its officers, employees, and volunteers; or the Consultant shall provide a financial guarantee satisfactory to the Town guaranteeing payment of losses and related investigations, claim administration and defense expenses.

4.4.4 Wasting Policies. No policy required by this Section 4 shall include a "wasting" policy limit (i.e. limit that is eroded by the cost of defense).

4.4.5 Waiver of Subrogation. Consultant hereby agrees to waive subrogation which any insurer or contractor may require from vendor by virtue of the payment of any loss. Consultant agrees to obtain any endorsements that may be necessary to affect this waiver of subrogation.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the entity for all work performed by the consultant, its employees, agents, and subcontractors.

4.4.6 Subcontractors. Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

4.5 Remedies. In addition to any other remedies Town may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, Town may, at its sole option exercise any of

the following remedies, which are alternatives to other remedies Town may have and are not the exclusive remedy for Consultant's breach:

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
- Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
- Terminate this Agreement.

Section 5 - CONSULTANT'S RESPONSIBILITIES AND INDEMNIFICATION

Fiduciary Duty - Consultant is registered as a Municipal Advisor with the SEC and Municipal Securities Rulemaking Board ("MSRB"). As such, Consultant has a Fiduciary duty to Town and must provide both a Duty of Care and a Duty of Loyalty that entails the following.

Duty of Care:

- Exercise due care in performing its municipal advisory activities;
- Possess the degree of knowledge and expertise needed to provide Town with informed advice;
- Make a reasonable inquiry as to the facts that are relevant to Town's determination as to whether to proceed with a course of action or that form the basis for any advice provided to Town; and
- Undertake a reasonable investigation to determine that Consultant is not forming any recommendation on materially inaccurate or incomplete information; Consultant must have a reasonable basis for:
 - any advice provided to or on behalf of Town;
 - any representations made in a certificate that it signs that will be reasonably foreseeably relied upon by Town, any other party involved in the municipal securities transaction or municipal financial product, or investors in Town securities; and
 - any information provided to Town or other parties involved in the municipal securities transaction in connection with the preparation of an official statement.

Duty of Loyalty:

Consultant must deal honestly and with the utmost good faith with Town and act in Town's best interests without regard to the financial or other interests of Consultant. Consultant will eliminate or provide full and fair disclosure (included herein) to Issuer

about each material conflict of interest (as applicable). Consultant will not engage in municipal advisory activities with Town as a municipal entity, if it cannot manage or mitigate its conflicts in a manner that will permit it to act in Town's best interests.

Consultant shall indemnify, defend with counsel acceptable to Town, and hold harmless Town and its officers, officials, employees, agents and volunteers from and against any and all liability, loss, damage, claims, expenses, and costs (including without limitation, attorney's fees and costs and fees of litigation) (collectively, "Liability") of every nature arising out of or in connection with Consultant's performance of the Services or its failure to comply with any of its obligations contained in this Agreement, except such Liability caused by the sole negligence or willful misconduct of Town.

The Consultant's obligation to defend and indemnify shall not be excused because of the Consultant's inability to evaluate Liability or because the Consultant evaluates Liability and determines that the Consultant is not liable to the claimant. The Consultant must respond within 30 days, to the tender of any claim for defense and indemnity by the Town, unless this time has been extended by the Town. If the Consultant fails to accept or reject a tender of defense and indemnity within 30 days, in addition to any other remedy authorized by law, so much of the money due the Consultant under and by virtue of this Agreement as shall reasonably be considered necessary by the Town, may be retained by the Town until disposition has been made of the claim or suit for damages, or until the Consultant accepts or rejects the tender of defense, whichever occurs first.

With respect to third party claims against the Consultant, the Consultant waives any and all rights of any type to express or implied indemnity against the Indemnitees.

Notwithstanding the forgoing, to the extent this Agreement is a "construction contract" as defined by California Civil Code Section 2782, as may be amended from time to time, such duties of consultant to indemnify shall not apply when to do so would be prohibited by California Civil Code Section 2782.

In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of Town, Consultant shall indemnify, defend, and hold harmless Town for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of Town.

Section 6 - STATUS OF CONSULTANT

- 6.1 Independent Contractor.** At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of Town. Town shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise Town shall not have the right to control the means by which Consultant accomplishes services rendered pursuant to this Agreement. Notwithstanding any other Town, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by Town, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of Town and entitlement to any contribution to be paid by Town for employer contributions and/or employee contributions for PERS benefits.
- 6.2 Consultant Not an Agent.** Except as Town may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of Town in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind Town to any obligation whatsoever.
- 6.3 Federal Regulations.** Under the Municipal Securities Rulemaking Board (the "MSRB") regulations that became effective on July 1, 2014, municipal advisors are required to disclose certain conflicts of interest to their clients. In accordance with those proposed regulations we make the following disclosures:
- Consultant is not aware of any actual or potential conflicts of interest that might impair our ability either to render unbiased and competent advice to the Town or to fulfill our fiduciary duty to the Town
 - Consultant has no affiliate that provides any advice, service, or product to or on behalf of the Town
 - Consultant has not made any payments either directly or indirectly to obtain or retain business with the Town
 - The only compensation Consultant will receive in connection with the Exhibit A (Scope of Services) is identified in Exhibit B (Compensation Schedule) agreed to herein by the Town. Consultant has not and will not receive any payments from third parties in connection with this engagement
 - Consultant has not and will not enter into any fee-splitting arrangements with any provider of investments or services to the Town

- Consultant is not aware of any conflicts of interest that may arise from the Town's payment of the municipal advisory fee for the activities to be performed pursuant to this engagement
- To the best of its knowledge, none of Consultant's other engagements or relationships will impair Consultant's ability either to render unbiased and competent advice to the Town or to fulfill Consultant's fiduciary duty to the Town
- Consultant is not aware of any legal or disciplinary event that is material to the Town's evaluation of Consultant or the integrity of its management or advisory personnel
- No legal or disciplinary event has been disclosed by Consultant to the Securities and Exchange Commission as may be required under applicable rules or regulations

Section 7 - LEGAL REQUIREMENTS

- 7.1 Governing Law.** The laws of the State of California shall govern this Agreement.
- 7.2 Compliance with Applicable Laws.** Consultant and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.
- 7.3 Other Governmental Regulations.** To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which Town is bound by the terms of such fiscal assistance program.
- 7.4 Licenses and Permits.** Consultant represents and warrants to Town that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to Town that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from Town.
- 7.5 Legal Events and Disciplinary History.** Consultant does not have any legal events and disciplinary history on its Form MA and Form MA-I, which includes information about any criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations and civil litigation. Town may electronically access Consultant's most

recent Form MA and each most recent Form MA-I filed with the Commission at the following website:

www.sec.gov/edgar/searchedgar/companysearch.html

There have been no material changes to a legal or disciplinary event disclosure on any Form MA or Form MA-I filed with the SEC.

- 7.6 Nondiscrimination and Equal Opportunity.** Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

Consultant shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

Section 8 - TERMINATION AND MODIFICATION

- 8.1 Termination.** Town may cancel this Agreement at any time and without cause upon written notification to Consultant.

Consultant may cancel this Agreement upon 45 days' written notice to Town and shall include in such notice the reasons for cancellation.

In the event of termination, Consultant shall be entitled to compensation for services performed to the effective date of termination; Town, however, may condition payment of such compensation upon Consultant delivering to Town any or all documents, photographs, computer software, video and audio tapes, and other materials provided to Consultant or prepared by or for Consultant or the Town in connection with this Agreement.

- 8.2 Extension.** Town may, in its sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall require a written amendment to this Agreement, as provided for herein. Consultant understands and agrees that, if Town grants such an extension, Town shall have no obligation to provide Consultant with compensation beyond the maximum amount provided for in this Agreement. Similarly, unless authorized by the Contract Administrator, Town shall have no obligation to reimburse Consultant for any otherwise reimbursable expenses incurred during the extension period.

- 8.3 Amendments.** The parties may amend this Agreement only by a writing signed by all the parties.

- 8.4 Assignment and Subcontracting.** Town and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and sub-consultant Seifel Consulting Inc. is based upon a determination of Consultant's and sub-consultant's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to Town for entering into this Agreement was and is the professional reputation and competence of Consultant and sub-consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the Contract Administrator. Consultant shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the Contract Administrator.

- 8.5** Survival. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between Town and Consultant shall survive the termination of this Agreement.
- 8.6** Options upon Breach by Consultant. If Consultant materially breaches any of the terms of this Agreement, Town's remedies shall be included, but not be limited to, the following:
- 8.6.1** Immediately terminate the Agreement;
 - 8.6.2** Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement;
 - 8.6.3** Retain a different consultant to complete the work described in Exhibit A not finished by Consultant; or
 - 8.6.4** Charge Consultant the difference between the costs to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that Town would have paid Consultant pursuant to Section 2 if Consultant had completed the work.

Section 9 - KEEPING AND STATUS OF RECORDS

Effective July 1, 2014, pursuant to the Securities and Exchange Commission (SEC) record retention regulations, Consultant is required to maintain in writing, all communication and created documents between Consultant and Town for 5 years.

If there are any questions regarding the above, please do not hesitate to contact Consultant. If the foregoing terms meet with your approval, please indicate your acceptance by executing both copies of this letter and returning one copy.

Section 10 - MISCELLANEOUS PROVISIONS

- 10.1** Attorneys' Fees. If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

- 10.2 **Venue.** In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Marin.
- 10.3 **Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
- 10.4 **No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.
- 10.5 **Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.
- 10.6 **Use of Recycled Products.** Consultant shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.
- 10.7 **Conflict of Interest.** Consultant may serve other clients, but none whose activities within the corporate limits of Town or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*

Consultant shall not employ any Town official in the work performed pursuant to this Agreement. No officer or employee of Town shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 *et seq.*

Consultant hereby warrants that it is not now, nor has it been in the previous 12 months, an employee, agent, appointee, or official of the Town. If Consultant was an employee, agent, appointee, or official of the Town in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code § 1090 *et seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse the Town for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be

subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, will be disqualified from holding public office in the State of California.

As of the date of the Agreement, there are no actual or potential conflicts of interest that Consultant is aware of that might impair its ability to render unbiased and competent advice or to fulfill its fiduciary duty. If Consultant becomes aware of any potential conflict of interest that arise after this disclosure, Consultant will disclose the detailed information in writing to Town in a timely manner.

The fee paid to Consultant increases the cost of investment to Town. The increased cost occurs from compensating Consultant for municipal advisory services provided.

Consultant does not act as principal in any of the transaction(s) related to this Agreement.

During the term of the municipal advisory relationship, this agreement will be promptly amended or supplemented to reflect any material changes in or additions to the terms or information within this agreement and the revised writing will be promptly delivered to Town.

Consultant does not have any affiliate that provides any advice, service, or product to or on behalf of the Town that is directly or indirectly related to the municipal advisory activities to be performed by Consultant.

Consultant has not made any payments directly or indirectly to obtain or retain the Town's municipal advisory business.

Consultant has not received any payments from third parties to enlist the Consultant's recommendation to Town of its services, any municipal securities transaction or any municipal finance product.

Consultant has not engaged in any fee-splitting arrangements involving Consultant and any provider of investments or services to Town.

Consultant does not foresee any conflicts of interest from compensation for municipal advisory activities to be performed, that is contingent on the size or closing of any transactions as to which Consultant is providing advice.

Consultant does not have any other engagements or relationships that might impair the Consultant's ability either to render unbiased and competent advice to or on behalf of Town or to fulfill its fiduciary duty to the Town, as applicable.

Consultant does not have any legal or disciplinary event that is material to Town's evaluation of the municipal advisory or the integrity of its management or advisory personnel.

- 10.8 Solicitation.** Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.
- 10.9 Contract Administration.** This Agreement shall be administered by the Town Manager ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.
- 10.10 Notices.** Any written notice to Consultant shall be sent to:
Craig Hill, Principal
NHA Advisors, LLC
4040 Civic Center Drive, Suite 200
San Rafael, CA 94903

Any written notice to Town shall be sent to:
David Bracken, Town Manager
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925-1492

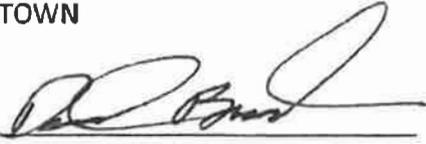
- 10.11 Integration.** This Agreement, including the scope of work attached hereto and incorporated herein as Exhibits A and B represents the entire and integrated agreement between Town and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral.

Exhibit A Scope of Services
Exhibit B Payment Schedule

- 10.12 Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

The Parties have executed this Agreement as of the Effective Date.

TOWN



David Bracken, Town Manager

CONSULTANT



Craig Hill, Principal

EXHIBIT A

PROFESSIONAL SERVICES SCOPE

Consultant will provide financial and fiscal advisory services to the Town related to its financial operations, reserve policies and capital planning. Services will include the following components, divided into two main tasks or phases:

Task 1: Assessment of Fiscal Health and Recommended Components of Financial Strategy

The first task will consist of the following main tasks, which will be refined based on the initial meetings with Town Council members and staff:

- Assemble historical and current financial information on the Town's fiscal revenues and costs, cash flow fluctuations (particularly related to national economic cycles), short and long term obligations, reserves and capital improvement budgets
- Conduct a series of meetings with Town Council members and staff (5 meetings total) to review the Town's fiscal considerations, develop a set of financial metrics to evaluate the Town's fiscal health and review the key components to be included in the Financial Strategy.
- Analyze the financial data that has been assembled, and utilize agreed upon financial metrics to evaluate the Town's fiscal health and prepare summary slides that summarize the initial findings.
- Present recommendations to Town Council regarding key components to be included in the financial strategy.

Work Product: Presentation slides with tables and graphs that summarize findings, along with recommended outline of Financial Strategy.

Task 2: Financial Strategy

After receiving guidance from Town Council, Consultant will prepare a recommended financial strategy that would likely include the following key components:

- Summary of Town's fiscal health and evaluation of its long-term financial sustainability (including pension and retiree obligations)
- 10-Year budget forecast (alternative forecasts reflecting different economic conditions)

- Identification of capital replacement, repair and improvement needs (using the Town's CIP budget)
- Recommended key financial objectives and/or metrics
- Recommend financial policies and reporting procedures (e.g. budget expenditure policies related to unanticipated revenues or shortfalls)
- Recommended budgetary financial objectives, and
- Key findings and recommendations on policies and reporting procedures to ensure continued financial sustainability.

Work Product: Draft and Final Town Financial Strategy Report, well as accompanying presentation slides that summarize findings and recommended strategy components.

EXHIBIT B

COMPENSATION SCHEDULE

For work described under EXHIBIT A, Consultant will be compensated based on the hourly rate schedule shown below.

NHA Advisors, LLC Professional Staff	Hourly Rate
Principal	\$275
Vice President	\$225
Associate	\$175
Analyst	\$125
Administrative	\$ 75

Seifel Consulting Professional Staff	Hourly Rate
Principal/President	\$250
Senior Managing Consultant	\$195
Senior Consultant	\$150
Consultant	\$125
Technical/Administrative	\$ 80

Modification of Compensation Schedule - Upon amendments to Exhibit A (Scope of Services), Consultant will provide a budget or fixed fee (contingent) for identified projects based on discussions with Town staff. No compensation modifications will be provided without Town consent and acknowledgement.

Out-of-Pocket - All expenses will be billed directly at cost to the Town. Expenses will be limited to typical expenses necessary for completion of the services required, for example typical charges will include copying, mailing, shipping, and data purchase (if not provided by others). Travel will not be expensed. The maximum expense total will not exceed \$1,500 and is included within the overall budget.

Budget - The budget for the Scope of Services (Exhibit A), without further approval from the Town, as described above is \$15,000 for Task 1 and \$35,000 for Task 2, or \$50,000 total.

Attachment 2

Memorandum from NHA Advisors dated July 14, 2016

MEMORANDUM

To: Dave Bracken, Town Manager/Director of Public Works/Town Engineer
George Warman, Director of Administrative Services/Town Treasurer

From: Craig Hill, Principal – NHA
Libby Seifel, Principal – Seifel Consulting

Date: July 14, 2016

RE: Town of Corte Madera – Financial Strategy Project

Background

The Town of Corte Madera (“Town”) engaged NHA Advisors, LLC and Seifel Consulting Inc. (the “consultants”) to review and provide guidance on the overall financial health of the Town based on industry standards and metrics common to other similarly sized public agencies. The work involved discussions with each of the Town Councilmembers, senior Town staff and the finance department to better understand the operational and accounting practices used.

Project Scope Implementation

The consultants approached the project through the following process:

- Understanding Town Council and Town Staff Objectives
This included interviews, review and analysis of Town financial reports, and other discussions with third-party experts.
- Development of recommendations on financial process, reporting and other areas of improvement
- Final phase includes the implementation of recommendations

Key Findings – Budget and Financial Reporting

- Simplify and develop standard set of reports that are easily understandable to all interested parties
- Recommendations and Policy Objectives for:
 - Minimum Reserve/Fund Balance Levels
 - Volatile Revenue Sources (e.g. Sales Tax)
 - Prioritization of Town Expenditures
 - Capital Project Budgeting (e.g. Performance Management)
 - Future Obligations (e.g. Debt, Pension, CIP, Reserves)
- Accounting System
 - Eden System by Tyler Technologies is industry standard
 - Accounting system capabilities exceed current use
 - Additional features available and proposed to be implemented

Key Findings – Town’s Financial Health

- Town needs to develop financial planning around key metrics, which include:
 - Economic/Business Climate
 - Fiscal Revenue Growth
 - Fiscal Revenue vs. Costs (Cash Flow)
 - Cash Position and General Fund Balance
 - Debt service burden on discretionary General Funds
 - Dedicated reserves
 - Long term pension and OPEB liabilities

Town General Fund Revenue and Expenditure Summary

Fiscal Year Ending	Actual 2013	Actual 2014	Actual 2015	Estimated 2016*	Estimated 2017*
Revenues:					
Taxes	13,192,956	14,988,429	17,468,266	17,627,500	18,107,000
Fines and Forfeitures	6,553	13,766	13,446	5,000	15,000
Intergovernmental	673,926	628,073	772,896	746,000	107,000
Use of Money and Property	45,630	46,024	46,761	49,000	50,000
Charges for Services	1,413,721	1,641,138	1,650,723	1,597,000	1,597,000
Other Revenues	589,406	219,291	181,667	469,000	364,000
Total Revenues	15,922,192	17,536,721	20,133,759	20,493,500	20,240,000
Expenditures:					
Current:					
General Government	1,838,868	2,015,679	2,400,982	2,575,300	2,545,600
Community Development	894,455	1,073,133	1,117,964	1,394,300	1,375,500
Public Safety	8,115,016	8,331,321	8,512,134	8,770,000	8,433,200
Public Works	1,900,258	1,992,667	1,998,005	2,146,400	2,188,700
Cultural and Leisure	985,860	1,021,612	1,120,333	1,129,600	1,150,200
Capital Outlay	725,734	683,147	880,339	2,670,300	3,811,500
Debt Service	282,884	279,084	202,684	79,400	79,400
Total Expenditures	14,743,075	15,396,643	16,232,441	18,765,300	19,584,100
Revenues over (under) expenditures	1,179,117	2,140,078	3,901,318	1,728,200	655,900
Other financing sources (uses):					
Proceeds from sale of assets	8,898	-	1,600	-	-
Operating transfers in	-	-	-	-	-
Operating transfers out	(603,388)	(773,910)	(796,646)	(678,200)	(627,200)
Total other financing sources (uses)	(594,490)	(773,910)	(795,046)	(678,200)	(627,200)
Net change in fund balance	584,627	1,366,168	3,106,272	1,050,000	28,700
Beginning Fund Balance	1,545,622	2,130,249	3,496,417	6,602,700	7,652,700
Ending Fund Balance	2,130,249	3,496,417	6,602,689	7,652,700	7,681,400

Source: Town of Corte Madera Finance Department

Town General Fund Tax Revenue Detail

Fiscal Year Ending	Actual 2011	Actual 2012	Actual 2013	Actual 2014	Actual 2015
Property taxes ^{(1) (2)}	\$ 4,532,625	\$ 4,544,929	\$ 4,568,011	\$ 5,060,483	\$ 5,188,410
Sales and use tax	\$ 5,336,001	\$ 5,455,458	\$ 5,779,542	\$ 6,908,593	\$ 9,183,269
Sales tax override	-	-	-	\$ 534,848	\$ 2,531,023
Transient occupancy tax	\$ 570,792	\$ 684,621	\$ 728,551	\$ 861,925	\$ 963,590
Franchise tax	\$ 839,792	\$ 931,732	\$ 1,091,827	\$ 1,108,727	\$ 1,071,598
Business license tax	\$ 455,919	\$ 466,780	\$ 501,624	\$ 517,143	\$ 498,912
Real property transfer tax	\$ 72,267	\$ 85,346	\$ 94,369	\$ 85,046	\$ 94,135
Paramedic special tax	\$ 394,151	\$ 396,032	\$ 429,032	\$ 446,512	\$ 468,352
Total	\$ 12,201,547	\$ 12,564,898	\$ 13,192,956	\$ 14,988,429	\$ 17,468,266
% Change		2.2%	5.9%	19.5%	32.9%

[1] Property tax revenue includes secured, unsecured and supplemental property tax revenue along with penalties and interest.

[2] Includes property taxes in lieu of sales taxes as a result of Proposition 57 and motor vehicle in-lieu fee revenue.

Source: Town of Corte Madera Finance Department

Review of Town's Financial Health (Informed by Standard & Poor's Rating Analysis)

The following is a brief summary of the findings based on key financial metrics, with further information presented below according to each of these major categories:

- Economic climate
 - Strong economy, high incomes and healthy businesses
 - Retail sales and property values rebounded quickly after recession
- Adequate financial management
- Strong budgetary performance
 - Positive growth in revenues and cash flow in recent years
 - Operating surplus of 17% of expenditures in General Fund and 23.5% across all governmental funds in 2015.
- Very strong budgetary flexibility
 - Available fund balance in 2015 of 25% of operating expenditures or \$4.4 million.
- Strong liquidity
 - Available cash at 50.8% of total governmental fund expenditures and 9.3x governmental debt service in 2015
- Adequate debt and contingent liability profile
 - Total Town fund debt service is 5.5% of total fund expenditures, net direct debt is 49.8% of total fund revenue, and overall net debt is low at 2.8% of market value.
 - Need to strategically address long term pension and OPEB liabilities
- Adequate institutional framework score

The Town was also recently reviewed and rated by Standard & Poor's as part of the refinancing of the Park Madera Center property. The Town received an "AA-" general fund rating based on the following conclusions and analysis by S&P based on data provided by the Town and consultants:

- **Very strong economic climate, with access to broad and diverse economy**
The Town has an estimated population of 9,266 and is located in San Francisco, Oakland, and Hayward MSA, which are considered broad and diverse. Town has a projected per capita effective buying income of 215% of the U.S. level and per capita market value of \$312,441. Overall, the Town's assessed value grew by 8% in the past year to \$2.9 billion in 2016. The county unemployment rate was 3.5% in 2015.
- **Adequate management, with standard financial policies and practices under our financial management assessment (FMA) methodology**
The Town's management has standard financial policies and practices under the FMA methodology, indicating the Finance Department maintains adequate policies in some, but not all key areas. Strengths of Corte Madera's approach include quarterly budget reports to council and a formal investment management policy with strong reporting and monitoring. The Town does not maintain a long-term financial or capital plan.
- **Strong budgetary performance, with operating surpluses in the General Fund and at the total governmental fund level in fiscal year 2015 (2015)**
In S&P's opinion, Corte Madera's budgetary performance is strong. The Town had operating surpluses of 17% of expenditures in the General Fund and 23.5% across all governmental funds in fiscal 2015. This assessment accounts for S&P's expectation that budgetary results could deteriorate somewhat from 2015 results in the near term.

Revenue generated by the sales tax override will allow the Town to catch up on previously deferred capital projects beginning in 2016.

The Town's Park Madera enterprise, a shopping center purchased in 2006, is projected as a long-term revenue generator for Corte Madera, but has historically performed poorly and weakened the Town's overall financial performance and flexibility. Despite the Town's continuing support of the Park Madera fund, General Fund operations are not expected to deteriorate, but rather the Town is anticipated to maintain structural balance during the next two fiscal years as economically sensitive revenues improve.

The Town's budgetary performance was also found to be strong with large surplus operating results in the General Fund and a 23% surplus across all governmental funds in fiscal year 2015. Town management projects a surplus for both the general fund and the total governmental funds for fiscal 2016, but smaller than experienced in 2015. With the increased revenue from the sales tax override, capital outlays are budgeted to increase significantly. Town management is expecting closer to a balanced budget in 2017.

- **Very strong budgetary flexibility, with an available fund balance in fiscal 2015 of 25% of operating expenditures**
Corte Madera's budgetary flexibility is very strong with an available fund balance in FY 2015 of 25% of operating expenditures or \$4.4 million.

The negative position of the Town's Park Madera fund has historically weakened its financial flexibility. However, in 2015, the Town's ending reserves increased significantly as a result of its decision to set aside sales taxes collected under its half-cent override for cash flow purposes. Available reserves (including the Park Madera fund balance of negative \$2.9 million and an

additional \$1.4 million committed for emergency reserves) rose to above 24% of expenditures for 2015 or \$4.4 million, from 3% or \$519,000 in 2014.

Town management expects Corte Madera's available General Fund balance to remain the same over the next two years. Excess money collected in its sales tax override sub account will be used to fund some deferred capital projects and hold approximately \$2.5 million for cash flow volatility.

- **Very strong liquidity**

In S&P's opinion, Corte Madera's liquidity is very strong, with total government available cash at 50.8% of total governmental fund expenditures and 9.3x governmental debt service in 2015. In S&P's view, the Town has satisfactory access to external liquidity if necessary. The Town's strong access to external liquidity is demonstrated by its regular issuance of tax and revenue anticipation notes (TRANS) within the past 10 years, which Corte Madera last issued in 2014. The Town also issued certificates of participation within the past 10 years.

The Town has historically maintained a very strong liquidity position across all funds. Unless there is a major draw on all of the Town's cash, no change is anticipated.

- **Adequate debt and contingent liability profile**

In S&P's view, Corte Madera's debt and contingent liability profile is adequate. Total governmental fund debt service is 5.5% of total governmental fund expenditures and net direct debt is 49.8% of total governmental fund revenue. Overall net debt is low at 2.8% of market value, which is a positive financial credit factor.

In S&P's opinion, a credit weakness is Corte Madera's large pension and OPEB obligation, which is without a plan in place that can potentially sufficiently address the obligation. Corte Madera's combined required pension and actual OPEB contributions totaled 13.8% of total governmental fund expenditures in 2015. Of that amount, 8.7% represented required contributions to pension obligations and 5.1% represented OPEB payments. The Town made its full annual required pension contribution in 2015.

The Town participates in the California Public Employees' Retirement System (CalPERS), a cost-sharing multiple-employer defined-benefit plan that was 77.8% funded as of June 30, 2015. Recent state legislation aimed at fully funding all CalPERS plans within 30 years will increase employer contributions in the short-to-medium term and will likely result in budgetary pressure, but reduce long-term pension liabilities. The Town took measures to stem the future growth of its OPEB liability by reducing retiree health benefits as well as paying current OPEB costs. In 2015, it made a \$500,000 contribution to pre-fund its OPEB liability through the California Employers' Retiree Benefit Trust Fund, an expense it expects to budget for annually.

- **Adequate institutional framework score**

The institutional framework score for California municipalities, which are not required to submit a federal single audit, is adequate. The institutional framework score is based on the state legislative and functional environment under which these local governments operate, including a framework that does not encourage transparency for local governments, including the Town, not subject to the federal single-audit requirement.

Phase 2 of Financial Strategy- Implementation of Initial Recommendations (Underway)

Based on the information gathered to date and the completed analysis, the implementation of recommendations is proposed to include the following components, several of which are underway:

- Enhance financial operations, recommend financial policies and improve reporting procedures
 - “Best Practices Review” of Town’s accounting system (Eden, Tyler Technologies)
 - Recommend new ways to present financial information
 - Implement new web-based tool (OpenGov) to better manage financial information and produce better financial reports
- Evaluate long-term financial sustainability
 - Identify capital replacement, repair and improvement needs
 - Evaluate pension and retiree health obligations
 - Prepare 10-Year budget forecast (alternative forecasts)
 - Recommend key financial objectives and/or metrics
- Present findings and recommendations

In collaboration with Town staff and Tyler Technologies, the consultants helped organize and facilitate a “Best Practices Review (BPR)” of the Town’s accounting system, which included a three-day onsite meeting from June 29 to July 1. The BPR consisted of the following:

- Identified series of techniques (tips) to better leverage Eden to streamline operations
 - Finance staff is implementing many immediately
- Reviewed and summarized Eden BPR report on findings and recommendations, that outline how the Town can better leverage the Eden system and take advantage of recent software updates and features
- Developed a set of recommendations to enhance Town’s financial systems and reporting
 - Implement best practice tips from BPR to streamline current operations
 - Conduct future training sessions with Town staff
 - Better utilize recently installed “Permits & Inspections” module
 - Conduct a BPR or authorize follow up training on system
 - Identify key improvements to streamline system
- Consider purchase and implementation of following Eden modules, which will have a significant positive benefit/cost ratio as they will improve operations, facilitate sharing of information, standardize procedures and reports, and enhance staff efficiency:
 - “Project Accounting”– streamlines management of direct deposits and helps manage project budgets
 - “Tyler Output Process (TOP)” – provides easy means of emailing internal reports and/or documents such as Purchase Orders and Invoices
 - “Tyler Content Manager (TCM)” module– provides electronic filing system for financial documentation and reporting.

In collaboration with Town staff, the consultants explored the use of two major software tools to enhance financial reporting and transparency – Tyler Citizen Transparency (part of Eden System) and OpenGov. The following are the key findings and results from this effort:

- While Tyler Citizen Transparency is designed to help communities provide more open and transparent financial information using the Eden system, only a limited number of cities nationally have deployed it, and none are in California. Tyler’s systems are not as robust or user friendly as those of OpenGov.

- OpenGov has more than 1,000 public agencies in 45 states and 4 Canadian provinces currently using its system. It has a strong community of users that are very pleased with its user-friendly capabilities and report generation.
- OpenGov directly integrates with Eden and can be customized to generate reports both at the Town level and ultimately through a website for citizens.
- Consultants and Town staff reviewed both systems and recommended purchase of the OpenGov system. Review included uploading test data from Town financials and concluded much better tool than Citizen Transparency
- Consultants and Town staff have initiated work to test OpenGov with six years of historical data
- In process of developing a crosswalk and proposed grouping of multiple accounting codes from Eden to prepare streamlined summary tables and graphs from OpenGov

Phase 3 – Implementation

Based on the analysis conducted to date, the proposed next steps would include the following tasks, some of which are already underway:

- Enhance financial systems and reporting tools
 - Better utilize Eden System
 - Implement recommended best practice tips and procedures from BPR
 - Potentially purchase and implement new Eden modules
 - Utilize Eden more robustly in upcoming budget process
 - Conduct BPR and/or additional trainings on Permits and Inspection module
- Online resources to enhance transparency and reporting
 - Deploy OpenGov
 - Develop system to prepare key reports and tables
 - Upload additional historical data and prepare financial projections, summary financial reports and graphs from OpenGov
 - Recommend and upload financial metrics that could also be monitored
- Identify capital replacement, repair and improvement needs
 - Focus on Town’s biggest potential Capital Improvement Project (CIP) obligations related to Storm Drainage and Flood Control system
 - Retained AN West to evaluate potential long term costs for replacement and upgrades to Storm Drainage and Flood Control system
 - Work is in process but will use this as a “beta test” to develop a new approach to the Town’s CIP process and potential performance management tools.
- Evaluate pension and retiree health obligations
 - Reviewed historical information and recent changes to reporting (OPEB now shown as separate line item)
 - Will use OpenGov to evaluate and forecast obligations, and make recommendations
- Develop 10-Year budget forecast (alternative forecasts assuming different revenue/expense assumptions)
 - Work in progress with OpenGov, building upon recent bond analysis
- Recommend key financial objectives and/or metrics to be monitored in the future
 - Collected data to metrics of financial health
 - Managed through OpenGov
- Recommend performance measures and annual reporting tools
 - Leverage OpenGov based on what other local communities are doing and reporting

NHA Advisors, LLC is registered as a Municipal Advisor with the SEC and Municipal Securities Rulemaking Board ("MSRB"). Pursuant to MSRB Rule G-42, on Duties of Non-Solicitor Municipal Advisors, Municipal Advisors are required to make certain written disclosures to clients, which include, among other things, Duty of Care, Duty of Loyalty, Conflicts of Interest and any Legal or Disciplinary events of NHA Advisors, LLC and its associated persons. As such, NHA Advisors, LLC has a Fiduciary duty to each public agency and must provide both a Duty of Care and a Duty of Loyalty that entails the following.

Duty of Care

- exercise due care in performing its municipal advisory activities;
- possess the degree of knowledge and expertise needed to provide public agency with informed advice;
- make a reasonable inquiry as to the facts that are relevant to public agency's determination as to whether to proceed with a course of action or that form the basis for any advice provided to public agency; and
- undertake a reasonable investigation to determine that NHA Advisors, LLC is not forming any recommendation on materially inaccurate or incomplete information; NHA Advisors, LLC must have a reasonable basis for:
 - any advice provided to or on behalf of the public agency;
 - any representations made in a certificate that it signs that will be reasonably foreseeably relied upon by the public agency, any other party involved in the municipal securities transaction or municipal financial product, or investors in public agency's securities; and
 - any information provided to public agency or other parties involved in the municipal securities transaction in connection with the preparation of an official statement.

Duty of Loyalty

NHA Advisors, LLC must deal honestly and with the utmost good faith with Town and act in Town's best interests without regard to the financial or other interests of NHA Advisors, LLC. NHA Advisors, LLC will eliminate or provide full and fair disclosure (included herein) to Issuer about each material conflict of interest (as applicable). NHA Advisors, LLC will not engage in municipal advisory activities with Town as a municipal entity, if it cannot manage or mitigate its conflicts in a manner that will permit it to act in Town's best interests.

Conflicts of Interest

NHA Advisors, LLC represents that in connection with the issuance of municipal securities, NHA Advisors, LLC may receive compensation from an Issuer or Obligated Person for services rendered, which compensation is contingent upon the successful closing of a transaction and/or is based on the size of a transaction. Consistent with the requirements of MSRB Rule G-42, NHA Advisors, LLC hereby discloses that such contingent and/or transactional compensation may present a potential conflict of interest regarding NHA Advisors, LLC's ability to provide unbiased advice to enter into such transaction. This conflict of interest will not impair NHA Advisors, LLC's ability to render unbiased and competent advice or to fulfill its fiduciary duty to the Issuer. If NHA Advisors, LLC becomes aware of any additional potential or actual conflict of interest after this disclosure, NHA Advisors, LLC will disclose the detailed information in writing to the Issuer in a timely manner.

Legal or Disciplinary Events

NHA Advisors, LLC does not have any legal events and disciplinary history on its Form MA and Form MA-I, which includes information about any criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations and civil litigation. Public agencies may electronically access NHA Advisors, LLC's most recent Form MA and each most recent Form MA-I filed with the Commission at the following website: www.sec.gov/edgar/searchedgar/companysearch.html.

There have been no material changes to a legal or disciplinary event disclosure on any Form MA or Form MA-I filed with the SEC.

Attachment 3

Exhibit A, Amendment I (including an updated Exhibit B) 1 to original scope of services

EXHIBIT A – Amendment 1

PROFESSIONAL SERVICES SCOPE

This Consultant will continue to provide financial and fiscal advisory services to the Town related to its financial operations, reserve policies and capital planning, which will build on the initial work that Consultant has undertaken for the Town. (Consultant has substantially completed the first phase of work and performed substantial additional work to help the Town improve its use of the Tyler Eden accounting software and to evaluate the OpenGov platform). Services will continue to include strategic management advice and resource allocation included in the original Exhibit A. Additional services will include the following components, divided into the following tasks:

Task 1.1 Financial Systems and Reporting Tools

The focus of this task will be to work with Town staff to enhance the Town's financial systems and reporting tools, which will include the following:

- Tyler Eden System – work with Town staff to develop a recommended strategy, budget and timeline to implement improvements recommended during the Best Practices Review, which will enhance the Town's use of its existing Eden accounting modules and the potential purchase and implementation of new Eden modules designed to streamline and enhance electronic reporting.
- OpenGov System – work with Town staff to develop a recommended strategy and timeline to deploy OpenGov, which will likely include the following steps, to be refined and done in collaboration with Town staff and OpenGov representatives:
 - Perform additional analysis of historical Town financial data to assure compatibility and accuracy between OpenGov and current Town reports including its audited financial statements for all of the key Fund Accounts
 - Prepare draft output tables from OpenGov and review them with Town staff in order to assure accuracy and completeness.
 - Develop and finalize a set of crosswalk tools that will “map” Eden accounting data (by accounting code) to Town financial reports
 - Prepare OpenGov filtered report templates to approximate audited financial reports for Enterprise funds (Sewer fund and Recreation funds), Debt Service and Capital Outlays.
 - Help organize the upload of additional historical data to provide 10 years' worth of data, including FY 2015/16 data once the books are closed.

- Help build summary report layouts in OpenGov (and/or Eden) that can be used by Town staff (and ultimately the City Council and public) to generate reports using historical Town data, such as the Town’s Summary Financial Report and weekly reports on revenue and expenditures (Weekly Revenue, Weekly Expenditure and Weekly Cash).
- Evaluate how OpenGov could be utilized to help generate financial projections (i.e. for 2, 5 or 10-year time periods) for both revenues and expenses.
- Review best practices from other OpenGov users with respect to performance metrics and recommend potential performance measurements that could be incorporated in the OpenGov system.
- Evaluate how OpenGov could be utilized to help develop and finalize the Town’s next two-year budget.

Work Product: Draft and final tables and memo reports, well as accompanying reports in OpenGov and presentation slides that summarize findings and recommended strategy components.

Task 1.2 Long-term Capital Improvement Program (CIP) – work with Town staff to identify capital replacement, repair and improvement needs for the Town’s biggest potential capital obligations related to its Storm Drainage and Flood Control system.

- Work with Town staff and AN West to evaluate potential long term costs for replacement and upgrades to this system.
- Develop recommendations that can be used this as a “beta test” to develop a new approach to the Town’s CIP process and potential performance management tools.

Work Product: Draft and final tables, a summary memo report, well as accompanying presentation slides that summarize findings and recommended strategy components.

Task 1.3 Other long term obligations – work with Town staff to develop an approach to addressing other long term obligations:

- Evaluate pension and retiree health obligations, which will include a review of historical information and recent changes to reporting (OPEB now shown as separate line item)
- Utilize OpenGov as a tool to evaluate and forecast these obligations

Work Product: Draft and final tables, a summary memo report, well as accompanying presentation slides that summarize findings and recommended strategy components.

Task 2.1: Financial Strategy – Based on guidance from Town staff and Town Council and the work performed during the first phase and the tasks outlined above, Consultant will prepare a summary financial strategy that will include the following key components:

- 10-Year budget forecast (alternative forecasts reflecting different economic conditions), which will include key long term obligations including bond debt service, high priority capital replacement and repair needs for Storm Drainage and Flood Control, and other long term obligations, such as PERS and OPEB.
- Recommendations for key financial objectives and/or metrics, which will be measured using data for FY 2014/15 based on audited financial statements.
- Recommendations for budgetary financial objectives and policies (e.g. budget expenditure policies related to unanticipated revenues or shortfalls)
- Key findings and recommendations to improve financial systems, reporting and policies to ensure continued financial sustainability
- Present findings to Town Council

Work Product: Draft and Final Town Financial Strategy Report, as well as accompanying presentation summarizing findings and recommended strategy components.

EXHIBIT B

COMPENSATION SCHEDULE

For work described under EXHIBIT A (Amendment #1), Consultant will be compensated based on the hourly rate schedule shown below.

NHA Professional Staff	Hourly Rate
Principal	\$275
Vice President	\$225
Associate	\$175
Analyst	\$125
Administrative	\$ 75

Seifel Consulting Professional Staff	Hourly Rate
Principal/President	\$250
Senior Managing Consultant	\$195
Senior Consultant	\$150
Consultant	\$125
Technical/Administrative	\$ 80

Modification of Compensation Schedule - Upon amendments to Exhibit A (Scope of Services), Consultant will provide a budget or fixed fee (contingent) for identified projects based on discussions with Town staff. No compensation modifications will be provided without Town consent and acknowledgement.

Out-of-Pocket - All expenses will be billed directly at cost to the Town. Expenses will be limited to typical expenses necessary for completion of the services required, for example typical charges will include copying, mailing, shipping, and data purchase (if not provided by others). Travel will not be expensed. The maximum expense total will not exceed \$1,500 and is included within the overall budget.

Budget - The budget for the Amended Scope of Services (Exhibit A - Amendment 1), without further approval from the Town as described above is \$50,000 total (in addition to prior authorization).

Placing an item on the agenda: An item may be placed on the agenda by submitting a request to the Town Clerk or the Town Manager, or their designee, by Tuesday at 5p.m. 21 days prior to the Council meeting during which the item is sought to be considered. If such item requires staff investigation or if it will be considered at a future date in the normal course of business (e.g., planning and budget matters), it may be deferred to a later date with concurrence of the person submitting the item. Staff will accommodate submissions after the deadline whenever practical. (Town Council Rules and Procedures, Section 7.5)



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

www.townofcortemadera.org

DRAFT AGENDA

PROPOSED ITEMS, AND ORDER, ARE SUBJECT TO CHANGE

CORTE MADERA TOWN COUNCIL AND SANITARY DISTRICT NO. 2 BOARD TOWN HALL COUNCIL CHAMBERS 300 TAMALPAIS DRIVE

TUESDAY, OCTOBER 18, 2016

7:30 P.M.

- 1. CALL TO ORDER, SALUTE TO THE FLAG, ROLL CALL**
- 2. OPEN TIME FOR PUBLIC DISCUSSION**

Please confine your comments during this portion of the agenda to matters not already on this agenda. Speakers will be limited to three (3) minutes unless otherwise specified by the Mayor or the Presiding Officer.

The public will be given an opportunity to speak on each agenda item at the time it is called. The Council may discuss and/or take action regarding any or all of the items listed below. Once the public comment portion of any item on this agenda has been closed by the Council, no further comment from the public will be permitted unless authorized by the Mayor or the council and if so authorized, said additional public comment shall be limited to the provision of information not previously provided to the Council or as otherwise limited by order of the Mayor or Council.

- 3. PRESENTATIONS:**
- 4. COUNCIL AND TOWN MANAGER REPORTS**
 - Town Manager Report
 - Council Reports
- 5. CONSENT CALENDAR**

The purpose of the Consent Calendar is to group items together which are routine or have been discussed previously and do not require further discussion. They will be approved by a single motion. Any member of the Town Council, Town Staff, or the Public may request removal of an item for discussion. Rescheduling of the item(s) will be at the discretion of the Mayor and Town Council.

- 5.I Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.
(Standard procedural action – no backup information provided)
- 5.II Second Reading and Adoption of New Mixed Use Zoning District – Consideration and Possible Adoption of the following: (1) Resolution Adopting a Negative Declaration Pursuant to CEQA Guidelines Section 15074; (2) Introduction of a Zoning Ordinance Creating a New Mixed-Use Zoning District MX-1 and Rezoning Seven Properties Along the East Side of Tamal Vista Boulevard Between Madera Boulevard and Wornum Drive from C-3 and Public/Semi Public Facilities to MX-1; and (3) Adoption of a Resolution Approving General Plan Amendments Changing the Land Use Designation for 75 Tamal Vista Boulevard from Public/Semi Public Facilities to Mixed-Use Commercial and Adding MX-1 to the List of Applicable Zoning Districts in the Mixed-Use Commercial Land Use Designation.
(Report from Adam Wolff, Director of Planning and Building)
- 5.III Consideration of Approval of the Final Map for 1421 Casa Buena Drive “Enclave Townhomes” Project
(Report from David Keane, Engineering Consultant)
- 5.IV Receive and File Investment Transactions Monthly Report
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.V Approve Warrants and Payroll for the Period / /16 through / /16: Warrant Check Numbers through , Payroll Check Numbers through , Payroll Direct Deposit Numbers through , Payroll Wire Transfer Numbers through , and Wire Transfer of / / .
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

6. PUBLIC HEARINGS: NONE

7. BUSINESS ITEMS:

7.I SANITARY DISTRICT ITEMS:

- 7.I.i Consideration and Possible Action to Approve a Supplemental Appropriation of Funds to the Adopted Sanitary District 2 FY 2016-2017 Budget for Flow Meter and Isolation Valve Replacement
(Report from Nisha Patel, Senior Civil Engineer)
- 7.I.ii Consideration and Possible Action to Approve a Supplemental Appropriation of Funds to the Adopted Sanitary District 2 FY 2016-2017 Budget for Trinidad II Pump Station Rehabilitation

- (Report from Nisha Patel, Senior Civil Engineer)
- 7.I.iii Consideration and Possible Action to Approve a Supplemental Appropriation of Funds to the Adopted Sanitary District 2 FY 2016-2017 CMSA performed pump station improvements and critical spare equipment
(Report from Nisha Patel, Senior Civil Engineer)
- 7.I.iv Consideration and Possible Action to Approve Amendment #1 to the CMSA Payment for Treatment Services Agreement and a Memorandum of Understanding setting the future JPA agencies debt service allocations
(Report from Nisha Patel, Senior Civil Engineer)

7.II TOWN ITEMS:

- 7.II.i Approval of Plans and Specifications and Authorization to Bid Tamalpais Drive Complete Streets Project
(Report from Nisha Patel, Senior Civil Engineer)
- 7.II.ii Continuation of Consideration, Discussion, and Possible Direction to Staff Regarding an Amendment to Resolution 2214, "No Parking" Areas Located on the 900, 1000, and 1100 Blocks of Meadowsweet Drive
(Report from Kelly Crowe, Associate Civil Engineer)
- 7.II.iii Consideration, Discussion and Possible Direction to Staff Regarding Capital Project – Shade Structure in Town Park Playground
(Report from Mario Fiorentini, Director of Recreation and Leisure Services)
- 7.II.iv Review of Draft November 1, 2016 Town Council Agenda
- 7.II.v Approval of Minutes of October 4, 2016 Town Council Meeting

8. ADJOURNMENT

TOWN COUNCIL STAFF REPORTS ARE USUALLY AVAILABLE BY 5:00 P.M., FRIDAY PRIOR TO THE COUNCIL MEETING, AND MAY BE OBTAINED AT THE CORTE MADERA TOWN HALL, OR BY CALLING 927-5050. AGENDA ITEMS ARE AVAILABLE FOR REVIEW AT CORTE MADERA LIBRARY, FIRE STATION 13 (5600 PARADISE DRIVE) AND THE TOWN HALL. IF YOU CHALLENGE THE ACTION OF THE TOWN COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS AGENDA, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE TOWN CLERK, AT OR PRIOR TO THE PUBLIC HEARING.

Any member of the public may request placement of an item on the agenda by submitting a request to the Town Clerk. The public is encouraged to contact the Town Manager at 415-927-5050 for assistance on any item between Council meetings.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at 415-927-5086. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting please notify the Town Clerk at least 3 business days (the Thursday before the meeting) in advance of the meeting date. If the town does not receive timely notification of your reasonable request, the town may not be able to make the necessary arrangements by the time of the meeting.

1 MINUTES OF SEPTEMBER 20, 2016

2
3 REGULAR MEETING
4 OF THE
5 CORTE MADERA TOWN COUNCIL
6

7 Mayor Bailey called the Regular Meeting to order at Town Hall Council Chambers, 300
8 Tamalpais Drive, Corte Madera, CA on September 20, 2016 at 6:45 p.m.

9
10 **1. ROLL CALL**

11
12 Councilmembers Present: Mayor Bailey, Vice Mayor Furst and Councilmembers Andrews,
13 Condon and Lappert

14
15 Staff Present: Town Manager/Town Engineer David Bracken
16 Director of Administrative Services/Town Treasurer George T.
17 Warman, Jr.
18 Town Attorney Randy Riddle
19 Police Chief Todd Cusimano
20 Director of Planning and Building Adam Wolff
21 Senior Civil Engineer Nisha Patel
22 Associate Civil Engineer Kelly Crowe
23 Fire Chief Scott Shurtz
24 Town Clerk/Assistant to the Town Manager Rebecca Vaughn
25

26 **6:45 p.m. - CLOSED SESSION**

27
28 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

29 Property: Gravel overflow parking lot on Redwood Highway (north of Nordstrom at
30 The Village at Corte Madera) APN 024-032-19
31 Agency negotiator: David Bracken
32 Negotiating parties: Macerich (Giancarlo Filartiga and Cecily Barclay)
33 Under negotiation: Whether, and under what price and terms, the property could
34 potentially be leased to the Village at Corte Madera
35

36 **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

37 Pursuant to Government Code Section 54957
38 Title: Town Attorney
39

40 **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

41 Closed Session Pursuant to Cal. Gov't Code Section 54956.9(d)(1)
42 Name of case: Larson v. Town of Corte Madera, et al., MCSC Case No. CIV1602760
43
44

1 **7:30 p.m. - OPEN SESSION**

2
3 Mayor Bailey stated there was no reportable action from the Closed Session.

4
5 **SALUTE TO THE FLAG:** Mayor Bailey led in the Pledge of Allegiance.

6
7 **2. OPEN TIME FOR PUBLIC DISCUSSION**

8
9 FRANK VILLAREAL requested that there be an item for discussion at the October 4th
10 meeting regarding infrastructure and roads in the Marina Village neighborhood.

11
12 **3. PRESENTATIONS**

13
14 3.I David Bracken – Commendation for Service to the Town of Corte Madera

15
16 Councilmembers individually read portions of a Proclamation into the record regarding
17 Town Manager/Town Engineer David Bracken’s service to the Town of Corte Madera. A
18 round of applause followed and Mr. Bracken thanked the Town Council.

19
20 3.II Dan McCadden – Commendation for Service on the Planning Commission

21
22 Mayor Bailey read a Proclamation into the record regarding Dan McCadden’s service on the
23 Planning Commission. A round of applause followed and Mr. McCadden thanked the Town
24 Council.

25
26 3.III Tom McHugh – Commendation for Service on the Planning Commission

27
28 Mayor Bailey read a Proclamation into the record regarding Tom McHugh’s service on the
29 Planning Commission. A round of applause followed and Mr. McHugh thanked the Town
30 Council.

31
32 **4. COUNCIL AND TOWN MANAGER REPORTS**

33
34 - Town Manager Report

35
36 Mr. Bracken gave the following report:

- 37
38 • At 1:40 a.m. on September 14th the Fire Department responded to a working
39 structure fire at 23 Redwood Avenue. Within 3 minutes units arrived and
40 discovered a ground floor unit fire. The fire was controlled and a 71 year old
41 burn victim was found outside of the apartment and treatment was rendered.
42 At present, the victim is in critical condition and details of the fire have not
43 been released.

- 1 • Two hours later crews received a call and responded to a vegetation fire in
2 the marsh. The fire was ¼ acre in size and was controlled by two wildland
3 engines from San Rafael and Mill Valley.
- 4 • The Town's new Building Official Brian Fenty began employment with the
5 Town today and will work with Mark Flatter who is retiring on October 10th.
6 Mr. Fenty had worked with the County of Napa, two private consulting
7 companies and prior to this, served as Building Official and Building Services
8 Division Manager for the City of El Cerrito for 10 years, and also has
9 experience as a general contractor.
- 10 • Circus Vargas has left town and great feedback was received on the circus,
11 especially from kids.
- 12 • An accident occurred on Paradise Drive and Prince Royal Drive last Friday
13 which created a lot of concern, given a child was walking across the
14 intersection. Very soon a flashing beacon, striping, signage and accessible
15 ramp improvements are scheduled for installation.

16
17 - Director of Planning and Building Services – Tamal Vista East Corridor Study

18
19 Mr. Wolff gave the following report:

- 20 • The Planning Commission at its September 13th meeting recommended
21 approval of the proposed zoning ordinance amendments for new mixed use
22 zoning on The Tamal Vista Boulevard at the existing commercial properties
23 between Wornum Drive and Madera Boulevard. The matter will come before
24 the Town Council on October 4th when the proposed amendments will be
25 discussed.

26
27
28 Councilmember Condon referred to a new law which states that if affordable
29 housing is built within ½ mile of transit, cities must approve developer
30 requests for reduced parking. Mr. Wolff stated staff will look specifically into
31 this bill as it relates to development.

32
33 - Council Reports

34
35 Councilmember Lappert had no report.

36
37 Vice Mayor Furst gave the following report:

- 38 • She attended the Transportation Authority of Marin (TAM) Executive
39 Committee meeting and reported that the third lane on the Richmond Bridge
40 will hopefully be open in one year.
- 41 • The San Francisco Estuary Partnership issued a report available on-line
42 called, "The 2015 State of the Estuary" as well as the "Comprehensive
43 Conservation Management Plan" (CCMP) which include a series of actions
44

1 that need to be taken to improve the Bay. There are 32 actions and each have
2 specific tasks with specific milestones. Two are of interest to the Town. The
3 first relates to sewer lateral repair ordinances and the task is a 5-year plan to
4 gather data about how local agencies are managing repairs. The second
5 relates to the ways local cities and counties can 'green' their infrastructure
6 such as water runoff, permeable pavements, etc.
7

8 Councilmember Andrews had no report.
9

10 Councilmember Condon gave the following report:
11

- 12 • Carol Zeller, the Town's representative to the Commission on Aging gave a speaker
13 series sponsored by Age-Friendly Corte Madera, Parks and Recreation and Marin
14 Villages on how to prevent falling, and over 40 people attended.
- 15 • Age-Friendly Corte Madera is progressing with the establishing of Twin Cities
16 Village and will be meeting tomorrow to form a steering committee. She thanked
17 CMPA for donating meeting space and partnering with them.
18

19 Mayor Bailey gave the following report:
20

- 21 • He thanked the Corte Madera Community Foundation and Practical Martial Arts for
22 sponsoring an Annual Coastal Clean-up for the wetlands on Saturday. Over 12 cubic
23 yards of trash and recyclables were collected by Boy Scout Troop 27 and other
24 Scouts provided much of the work. Special thanks go to Jim Navarone from Mill
25 Valley Refuse that provided debris boxes and recycling bins, as well as Public
26 Works' Kevin Kramer who provided buckets and hand-held pickups.
- 27 • He appeared as the Ring Master at Circus Vargas on Saturday night where he
28 congratulated the Town on its 100th anniversary.
29

30 5. CONSENT CALENDAR 31

32 5.I Waive Further Reading and Authorize Introduction and/or Adoption of
33 Resolutions and Ordinances by Title Only.

34 (Standard procedural action – no backup information provided)
35

36 5.II Adoption of a Resolution Declaring October 1, 2016, to be Bay Day in the
37 Town of Corte Madera

38 (Report from Rebecca Vaughn, Town Clerk)
39

40 5.III Adoption of a Resolution Requesting MTC Allocate FY 16-17 Transportation
41 Development Act Article 3 Pedestrian/ Bicycle Project Funding to the
42 Redwood Highway Multi-Use Pathway Repaving Project

43 (Report from Nisha Patel, Senior Civil Engineer)
44

1 5.IV Approve a Supplemental Appropriation for Purchase of EMTRAC and
2 Consultant Services for Signal Synchronization
3 (Report from Nisha Patel, Senior Civil Engineer)

4
5 5.V Approve Warrants and Payroll for the Period 9/01/16 through 9/14/16:
6 Warrant Check Numbers 214430 through 214483, Payroll Check Numbers
7 5298 through 5305, Payroll Direct Deposit Numbers 30380 through 30452,
8 Payroll Wire Transfer Numbers 2058 through 2061, and Wire Transfer of
9 9/30/16.
10 (Report from George T. Warman, Jr., Director of Administrative
11 Services/Town Treasurer)

12
13 MOTION: Moved by Furst, seconded by Andrews, and approved unanimously by the
14 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
15 None).

16
17 To approve the Town Consent Calendar Items 5.I, 5.II, 5.III, 5.IV and 5.V

18
19 **6. PUBLIC HEARINGS**

20
21 6.I Consideration and Possible Action to Introduce Ordinance Changing Election
22 Date for Mayor and Councilmembers from November of Odd-Numbered
23 Years to June of Even-Numbered Years
24 (Report from Rebecca Vaughn, Town Clerk)

25
26 Town Clerk Rebecca Vaughn stated at the August 16th Town Council meeting the Council
27 reviewed options for changing the dates of Municipal Elections for Mayor and
28 Councilmembers based upon what was deemed to be a necessity in order to comply with
29 SB 415. This bill goes into effect January 1st requiring towns to move their election dates to
30 coincide with a state election if they have low voter turnout.

31
32 The Town met that low voter turnout threshold and after reviewing options proposed at
33 the August 16th meeting the Town Council directed staff to bring back an ordinance for
34 introduction and the changes requested to options voiced by the Council.

35
36 The Council asked to review an ordinance that would propose changing the elections from
37 November of odd-numbered years to June of even-numbered years by 2022 and to get to
38 this point for the next two election cycles, officeholders would be elected to 4 ½ year terms.

39
40 Ms. Vaughn said if the Council agrees with the proposed ordinance it would vote at this
41 time to introduce it. Once introduced the ordinance could be voted on at a subsequent
42 meeting and would thereafter go into effect 30 days after its adoption.

43

1 Mayor Bailey opened the public hearing and there were no public comments.

2
3 Mayor Bailey said while there were pros and cons about the issue, the concept was to
4 provide an opportunity to get a better turnout during elections. He asked and confirmed
5 that the Town stands to save election costs. Ms. Vaughn noted that while the County was
6 unable to provide an exact quote, generally the cost is spread by the number of
7 jurisdictions participating and the number of items on the ballot.

8
9 MOTION: Moved by Condon, seconded by Andrews, and approved unanimously by the
10 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
11 None).

12
13 To Introduce Ordinance 957 by Title Only, Amending Title 2, Chapter 2.38 of
14 the Corte Madera Municipal Code, General Municipal Elections, Changing
15 Election Date for Mayor and Councilmembers from November of Odd-
16 Numbered Years to June of Even-Numbered Years

17
18 Recused:

19 Mr. Bracken recused himself from participating in Item 7.I and left the Council Chambers.

20
21 **7. BUSINESS ITEMS**

22 7.I Consideration and Possible Action to Adopt Proposed Resolution No.
23 34/2016, A Resolution of the Town Council of the Town of Corte Madera (1)
24 Adopting the Position Classification and Job Description of Director of Public
25 Works/Town Engineer/Manager of Sanitary District No. 2/Assistant Town
26 Manager; and (2) Deleting the Position Classification and Job Description of
27 Director of Public Works (Engineering & Public Works Administration)

28
29 And

30
31 Consideration and Possible Action to Adopt Proposed Resolution No.
32 35/2016, A Resolution of the Town Council of the Town of Corte Madera
33 Amending Compensation Schedule B and Compensation Schedule C of
34 Resolution No. 38/2015 - A Resolution of the Town Council of the Town of
35 Corte Madera Fixing Compensation and Establishing Certain Benefits for
36 Department Head Employees of the Town of Corte Madera Effective
37 September 26, 2016 (Sets Salary Range of New Position Classification -
38 Director of Public Works/Town Engineer/Manager of Sanitary District No.
39 2/Assistant Town Manager)

40
41 And
42

1 Consideration and Possible Action to Approve a Supplemental Appropriation
2 of \$170,600 for Filling the Vacant Department Head Position in the Public
3 Works Administrative Office

4 (Report from George T. Warman, Jr., Director of Administrative
5 Services/Town Treasurer)
6
7

8 Director of Administrative Services/Town Treasurer George T. Warman, Jr. stated former
9 Director of Public Works Barry Hogue retired April 30, 2015. During the time Mr. Hogue
10 served as Public Works Director, Mr. Bracken continued his role as the Town Engineer
11 because he is a licensed and registered civil engineer. The salary range proposed for Mr.
12 Bracken would be 15% above Mr. Hogue's salary range and if Mr. Bracken had not become
13 Town Manager/Town Engineer in September 2006 he would have been receiving 10% less
14 than what is being proposed.
15

16 Mr. Warman stated the recommendation is for the Council to adopt the new job description
17 and salary range of Director of Public Works/Town Engineer/Manager of Sanitary District
18 No. 2/Assistant Town Manager and delete the previous position classification and salary
19 range for Mr. Hogue of Director of Public Works (Engineering & Public Works
20 Administration). Mr. Bracken's position would be 10% below the salary of the new Town
21 Manager.
22

23 Mayor Bailey asked and confirmed that the request is to authorize approximately \$70,000
24 for the position that has been previously vacant, and Mr. Bracken will stay on with the
25 Town to fill that role.
26

27 Mr. Warman further clarified that the position of Director of Public Works was not
28 budgeted in this year's budget and the supplemental appropriation request is for 9 months
29 of Mr. Bracken serving in the position.
30

31 Mayor Bailey clarified that Mr. Bracken has been filling the role as Town Manager, Town
32 Engineer and Public Works Director. He confirmed with Mr. Warman that the Town is not
33 creating a new position.
34

35 Mr. Warman added that the Town has in excess of \$1 to \$2 million from last year's budget
36 which has not been spent because the Town did not have staff to process projects. At one
37 time the Engineering Department had 7 full-time positions and if the Council authorizes the
38 recommendation there will be 4 full-time positions. Also, staff did not anticipate during
39 budget discussions that Mr. Bracken would be stepping down as Town Manager and the
40 position would have had to be filled.
41

42 Councilmember Andrews referred to the staff report and asked in what way was the
43 position not comparable to any positions in Marin.

1
2 Mr. Warman explained that the majority of Public Works Directors in Marin County are not
3 licensed civil engineers. The Town is also one of the few agencies with its own Sanitary
4 District. Therefore, Corte Madera engineering and public works staff is involved in doing its
5 own sewer work daily. Also unique is the fact that the Town has an extensive storm drain
6 and flood control situation given that over half of the Town is over sea level in high tide.
7

8 Councilmember Andrews asked and confirmed that the proposed salary was contained in
9 the resolution and that it includes not only the salary but medical and retirement benefits
10 as well for 9 months. Mr. Warman noted that the amount is a lesser amount than what Mr.
11 Bracken has been receiving as Town Manager/Town Engineer.
12

13 Mayor Bailey opened the public comment period and there were no speakers.
14

15 Vice Mayor Furst read into the record the duties of the four titles Mr. Bracken will be taking
16 on, stating it was very impressive. She said the Town is lucky to have Mr. Bracken stay on
17 and noted that he had designed and created the Town's flood control system. She made a
18 presentation on the system and commented that the Town has invested over \$50 million
19 over the decades for flood control. The Town has 10 to 11 pump stations, the High Canal,
20 the Low Canal and many other conduits. The Town has 6 retention basins and 1 detention
21 basin and has an incredibly complex flood control infrastructure.
22

23 MOTION: Moved by Furst, seconded by Condon, and approved unanimously by the
24 following vote: 4-1 (Ayes: Condon, Furst, Lappert and Bailey; Noes:
25 Andrews).
26

27 To Adopt Proposed Resolution No. 34/2016, A Resolution of the Town
28 Council of the Town of Corte Madera (1) Adopting the Position Classification
29 and Job Description of Director of Public Works/Town Engineer/Manager of
30 Sanitary District No. 2/Assistant Town Manager; and (2) Deleting the
31 Position Classification and Job Description of Director of Public Works
32 (Engineering & Public Works Administration)
33

34 MOTION: Moved by Furst, seconded by Condon, and approved unanimously by the
35 following vote: 4-1 (Ayes: Condon, Furst, Lappert and Bailey; Noes:
36 Andrews).
37

38 To Adopt Proposed Resolution No. 35/2016, A Resolution of the Town
39 Council of the Town of Corte Madera Amending Compensation Schedule B
40 and Compensation Schedule C of Resolution No. 38/2015 - A Resolution of
41 the Town Council of the Town of Corte Madera Fixing Compensation and
42 Establishing Certain Benefits for Department Head Employees of the Town of
43 Corte Madera Effective September 26, 2016 (Sets Salary Range of New

1 Position Classification – Director of Public Works/Town Engineer/Manager
2 of Sanitary District No. 2/Assistant Town Manager)
3

4 MOTION: Moved by Furst, seconded by Condon, and approved unanimously by the
5 following vote: 4-1 (Ayes: Condon, Furst, Lappert and Bailey; Noes:
6 Andrews).
7

8 To Approve a Supplemental Appropriation of \$170,600 for Filling the Vacant
9 Department Head Position in the Public Works Administrative Office
10

11 Councilmember Lappert requested that in the future there be discussion amongst
12 Councilmembers if there is a descending vote on a particular matter. Mayor Bailey agreed
13 and noted that at times the Council may be persuaded by a “no” vote and, if Councilmember
14 Andrews did not support or agree with a direction the Council was heading towards, he
15 asked that vetting occur.
16

17 Noted Present:

18 Mr. Bracken was noted present for the remainder of the meeting, and a round of applause
19 and congratulations were given to Mr. Bracken.
20

21 7.II Consideration, Discussion and Possible Direction to Staff Regarding an
22 Amendment to Resolution 2214, “No Parking” Areas located on the 900, 1000
23 and 1100 Blocks of Meadowsweet Drive
24 (Report from Kelly Crowe, Associate Civil Engineer)
25

26 Associate Civil Engineer Kelly Crowe gave the staff report and said the recommendation is
27 to modify language within Resolution No. 2214 which establishes the “No Parking” areas
28 along Meadowsweet Drive along the 900, 1000 and 1100 blocks. Specifically, the resolution
29 bans parking with specific exceptions where a roadway width is 20 feet or greater in front
30 of certain addresses.
31

32 He said Public Works operations use these resolutions to guide them for maintenance and
33 repainting of red curbs and about one month ago there was a dispute between a resident at
34 978 Meadowsweet Drive and Public Works staff regarding the repainting. Staff repainted
35 and based upon the resolution, the area was slated for repainting. The dispute involved
36 what the 28 foot roadway width meant.
37

38 Important to understand is the roadway definition the Town uses and relies upon which is
39 in the California Vehicle Code. The definition is outlined in the staff report but is more in
40 line with the travel way for the improved road for vehicular traffic which is more or less
41 edge of pavement to edge of pavement. Mr. Crowe stated staff visited the site to measure
42 and verify the actual width and arrived at 24 ½ feet. This did not necessarily conform to
43 Resolution 2214.

1
2 In going through the objection by the resident staff looked into the background of the
3 original resolution's adoption in 1984 and the number of "28 feet". Through research, no
4 staff report or supporting documentation could be found that provided the 28 foot width
5 justification and staff reverse-engineered it to determine why the number was selected.
6 Staff determined that Meadowsweet Drive is classified as a minor collector street. Each lane
7 should be between 10 and 11 feet. A standard parallel parking space is 8 feet and when
8 adding this up staff arrived at 28 feet which provided the actual intent of the resolution at
9 that time.

10
11 Mr. Crowe said by and large, parking on Meadowsweet Drive is within the shoulder area
12 and off of the traveled way. There is one space at 1044 Meadowsweet on the pavement
13 area and in a turn-out and off of the traveled way. The parking area at 978 Meadowsweet
14 would meet the conditions of being 28 feet in total width.

15
16 In reviewing roadway width, staff wanted to match the intent of the actual conditions and
17 take into consideration the resident at 978 Meadowsweet Drive's request. Staff modified
18 the language of the resolution to state that the "No Parking" areas will extend on the west
19 side between 900 and 1100 which would not change from the existing conditions. On the
20 east side, parking would be allowed on shoulders greater than 8 feet wide which also
21 would not change from existing conditions.

22
23 He said the only slight modification would be to the east side. Parking in pavement areas
24 would be allowed only in stalls marked out in white paint. Staff would take the 28 feet total
25 width and carve out 8 foot stalls in front of 978 and 1044 Meadowsweet Drive. This would
26 assist in traffic flow and delineation, assist CMPA in understanding where legal parking
27 exists, help Town staff to understand where red curbs should be, it would provide
28 emergency access and it would delineate Bike Route 5 which is a major bicycle
29 thoroughfare in Marin County.

30
31 Councilmember Lappert asked Mr. Crowe if this would be similar to what exists on
32 Christmas Tree Hill with respect to parking only in those marked areas; a homeowner
33 could obtain permits and pay to have a cut-out for parking in the west side on their
34 property given the fact that there is open land and it is not used.

35
36 Mr. Crowe clarified that if the property was private; the homeowner would have to enter
37 into a license agreement with the Town.

38
39 Councilmember Lappert asked if there were any other areas that could be marked off and
40 painted for parking by other homeowners.

41
42 Mr. Crowe said options are limited along this stretch due to topography; however, there are
43 options if there is available land and homeowners wish to pay for and obtain permits to

1 install parking areas.

2

3 Councilmember Andrews questioned the degree of striping work to channel traffic on the
4 street.

5

6 Mr. Crowe stated in addition to Meadowsweet Drive having varying dimensions of road
7 way there is no centerline stripe south of Hawthorne, but north of Hawthorne there is a
8 centerline stripe. Currently, there is no edge striping along there. Town staff would install
9 the marked stalls which would help delineate traffic away from possible obstruction. In
10 addition, signage would be installed indicating that parking would be allowed only in
11 marked stalls.

12

13 Mayor Bailey stated he received a variety of emails from people who live in the area and
14 two concerns were voiced. The first concern is the speed of traffic and he asked if the work
15 will improve current conditions. Secondly, he asked if 28 feet was a road standard which
16 would make driving situations safe at designated speeds.

17

18 Mr. Crowe said the 28 feet was the number used from the Federal Highway Administration
19 for a minor collector street. Regarding traffic calming, Meadowsweet Drive goes through
20 many different pavement widths. The minimum width there was 17 feet. At this time at 978
21 Meadowsweet there would be 11 to 11 ½ feet from the centerline stripe to the white
22 marking, and this would be a wider path than what exists now and very safe.

23

24 Mayor Bailey opened the public comment period.

25

26 Public Comments:

27

28 ROSEMARY DUHUR said she lives at 1167 Meadowcrest Drive and said she can drive on
29 either Meadowsweet Drive or Casa Buena Drive to get to her home. She asked how the
30 matter came about and asked if it was because one homeowner has created a hazard with
31 parking and working on cars as well as speeding along Casa Buena and Meadowsweet
32 Drive. She stated about 6 weeks ago she almost was hit by a white BMW with 4 teenagers in
33 it on the wrong side of the road. She reported the incident to the police department and
34 asked them to patrol the road more frequently.

35

36 Mayor Bailey noted he received several emails regarding speeding and he asked if Ms.
37 Duhur supported the proposed resolution. Ms. Duhur said she was not sure of her support
38 and asked if the resolution was to address the situation of neighbors who constantly work
39 on their vehicles in the road.

40

41 COLLEEN HOOPER said she lives at 1035 Meadowsweet Drive for 24 years and several
42 years ago red striping was painted on the curb. Her concern is that there is a great cut-out
43 at 1044 Meadowsweet Drive which is not the owners land, but two cars can comfortably fit

1 there. She said it sounds as if the Town is proposing to reduce this to fit one car. She stated
2 she was familiar with what occurred at 978 Meadowsweet Drive, recognized there is
3 speeding along the road and she voiced support for the proposed resolution except that she
4 did not want to see the one space taken away from 1044 Meadowsweet Drive.

5
6 CHRIS MOSER said he is the current owner of 978 Meadowsweet Drive since 1994 and
7 previously lived there for 15 years. He is in favor of the resolution but thinks the wording is
8 still a bit unclear as to what qualifies as “roadway” and the fact the Town will be relying on
9 paint to maintain parking spaces. He agrees with Mr. Crowe’s interpretation and said
10 currently he has a lot more than 28 feet to his fence. He suggested the new resolution not
11 state “from edge of pavement” but instead state “from 10 feet from the center of the road
12 and the remainder qualifies as shoulder”, given the road was repaved in 2002 and there
13 was about 3 feet more of asphalt in front of his home. He noted at 1044 Meadowsweet
14 there is a cut-out and the wording would not recognize this as being a parking space.

15
16 Mayor Bailey asked Mr. Moser to identify exactly where his suggested wording should be
17 inserted and replaced.

18
19 Mr. Moser referred to the following wording and asked to replace “Except on level
20 shoulders greater than 8 feet wide measured from edge of pavement” with “Except on level
21 shoulders greater than 8 feet wide measured from 10 feet from the center of the roadway
22 or marked lane”.

23
24 HUNTER SIKES said he lives at 978 Meadowsweet Drive and thanked the Council and Mr.
25 Crowe for responding to his emails. He voiced support of the resolution with a few caveats.
26 His home is a duplex property and this has had a drastic impact on the lives of his family as
27 well as the downstairs neighbor at 980 Meadowsweet Drive. It came without warning
28 while he was away on a business trip for over a week and his wife could not address the
29 matter because she works and is also busy with their 2 ½ year old. He asked that the Town
30 identify a way in the future to directly speak with those affected.

31
32 He said the resolution allows them to park in front of their homes but it will only allow one
33 parking space. Their small garage fits only one vehicle but it is full of storage and the other
34 spot is down a steep sloping driveway is their neighbor’s spot. Therefore, they must park
35 one car in front of the garage and the neighbor must park up the steep hill in order to get
36 out. They have a big dent in their car from what they believe was from their neighbor who
37 is 71 years old and if they are only allowed one stall they still must deal with the lack of
38 parking for the duplex. Most of the homes on the east side of Meadowsweet are duplexes
39 and many have granny units so there are more vehicles. He asked the Council to determine
40 if there is a way to have two stalls in front of 978 and 980 Meadowsweet Drive, but he
41 supported the resolution.

42
43 JAMES BARBICK said he has lived at 1015 Meadowsweet for over 50 years and they have at

1 least 5 cars parked in their driveway all the time given his adult children and grandchildren
2 park there. Meadowsweet Drive has always been a problem and was upset when the Town
3 painted both sides of the street red. It is a long way to get to the bus stop especially during
4 the winter months. He said he has the original audiotape from the meeting and said the
5 road was level with 20 feet with parking on one side. Someone changed the parking and he
6 asked why the street was being referred to as a collector street, as no other streets access it
7 except for bikes and thinks more study is needed prior to the resolution being adopted.

8
9 Mayor Bailey asked how Mr. Barbick would change the resolution.

10
11 Mr. Barbick stated he would return to the 20 feet which would give Mr. Sikes a chance to
12 park his two cars. He understands there are plenty of streets that are less than 28 feet and
13 he did not think it needed to be that wide and thinks people should be able to park along
14 the street.

15
16 FLORA MARIGI said she has lived at 1025 Meadowsweet Drive for 30 years and said she is
17 very much against the red curbs on the west side and cannot understand where people are
18 supposed to park during family gatherings. She chose to stay in Corte Madera because it is
19 a very family-oriented community with children, and there seems to be plenty of room to
20 have some parking on Meadowsweet Drive. She has never seen any problems on the street
21 and in fact, cars are driving faster now because there are no cars parked along the street.
22 She is against the resolution and wants more parking along the street.

23
24 RENEE POWER said she lives on the west side at 1037 Meadowsweet on a steep driveway.
25 They were dismayed when the Town began painting all of their curbs red. They have
26 limited parking where she lives and when they had events and gatherings she would park
27 her family's cars down on the street and on the dirt and allow their guests to park at the
28 house. The red stripes appeared and at times they must park along the road and it is very
29 inconvenient. They are conscientious about bicyclists and drivers when backing out of their
30 driveway, but did not think parking was an issue. She thinks the Town should re-think all of
31 the red painted curbs and go back to the 20 feet on either side because it would allow
32 neighbors to enjoy parking, not worry about ticketing and make due. She thinks the 28 feet
33 is too restrictive and more thought and consideration should be given for those who live on
34 Meadowsweet.

35
36 TOMMY NEWMANVILLE said he lives at 1071 Meadowsweet and is in favor of the
37 resolution. He likes the Christmas Tree Hill idea and said he grew up there and said it
38 makes sense when roads are tight. He measured all of the roadway in front of his house
39 which varies from 22 to almost 25 feet and then back down to 19 ½ feet. He thinks there
40 should be something in the resolution about 20 feet of open asphalt from a red curb
41 because in front of his house, the center of the road is 12 feet.

42
43 Also, just past his house there is a fire hydrant with a dirt level spot next to it. He was

1 parked behind the red line and on the dirt and he got a ticket for being in a red zone. He
2 also got another ticket for being too close to the hydrant which he agreed with, but said he
3 contacted police who gave him a pass on the first ticket. He suggested a sign by the hydrant
4 to leave 10-15 feet so there could still be one parking space allowed there.

5
6 Mayor Bailey asked if Mr. Newmanville was in favor of the resolution and wanted it
7 modified for 20 feet. Mr. Newmanville said he supported the resolution, suggested it state
8 there must be 20 feet of clear roadway and asked to only allow for a minimum amount of
9 space by the hydrant and supported the white boxes where they can be put in.

10
11 Mayor Bailey asked Mr. Crowe on his thoughts about amending the resolution to take
12 measurements from the centerline out and about whether 20 feet is needed.

13
14 Mr. Crowe said the problem with the centerline is that south of Hawthorne there is no
15 painted centerline but north of it there is. Staff did consider this in one of the first rounds
16 with the language, but they ran into problems.

17
18 Regarding the 20 foot roadway width it seems plausible; however, there are situations
19 where there is less than 20 feet and there is an 8 foot shoulder. The language could be
20 massaged to state that in areas where there is 20 feet of roadway width, a parking spot
21 could be provided.

22
23 Mayor Bailey asked if 20 feet was enough and questioned whether traffic would be
24 impeded.

25
26 Mr. Crowe said a minimum travel width of 20 feet is what is recommended by the roadway
27 classification, or two 10 foot lanes. He would not recommend allowing parking within that
28 swath.

29
30 Councilmember Condon asked what width is needed for emergency vehicles.

31
32 Mr. Crowe said one of the engines was measured at 11 feet which is standard.

33
34 Fire Chief Scott Shurtz commented that the Fire Department needs 10 feet of width to be
35 able to make it through and this is not a situation where they would be able to drive
36 quickly, but similar to areas on Christmas Tree Hill where there are tight areas with
37 minimal widths.

38
39 Mayor Bailey asked if people are being endangered if smaller widths are implemented, and
40 Chief Shurtz stated no.

41
42 Mayor Bailey asked if it was true that just because there is not a pre-existing centerline in
43 the road does not mean there is a center of the road.

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Mr. Crowe said yes, but there is nothing established to measure from the center.

Mr. Bracken stated the centerline is an issue because the Town cannot paint a solid centerline where there is not 20 feet because vehicles are not allowed to cross the centerline according to the Vehicle Code. He has seen dashed lines on narrow streets and the Town could look at doing this. He and Mr. Crowe visited the site and had trouble deciding what they should measure from and thought about having a centerline measurement because this is what the police enforce.

He suggested painting a dashed centerline in locations south of Hawthorne where there is none. Cars and trucks would drive over the dashed line, there would be no violation of the Vehicle Code if the road was painted dashed and police could measure from a defined point. He thinks it would be important to establish a minimum lane width and he would recommend continuing the item.

Mr. Crowe noted that the intent was to not change the existing condition but to simply allow a space where one could be installed. He said by and large, much of the parking in that area is allowed on shoulders and out of the traveled way and 1044 Meadowsweet is the only place on pavement where people have been parking to his knowledge.

Councilmember Andrews asked if striping could be on either side of the road with signage.

Mr. Bracken said this could be done but the line cannot be striped where dirt exists. The best way to sign this is to indicate that traffic must maintain a 10 foot travel way and police can measure from the center line. He suggested the item be continued for staff to review the resolution and to make appropriate changes.

Vice Mayor Furst supported continuance, stating this issue is larger than just the two blocks. She said when the item returns she asked to be able to see a Google maps aerial photo with the striping plan laid out on it because people are very concerned with parking issues.

The goal should be to maximize the number of parking spots and she would be concerned with not having an easy way for residents to be able to determine that they are 10 feet off center. She also was not sure a center line is the right solution and in her neighborhood there are none and everything seems to work. She thanked Mr. Crowe for his report and asked that staff further research the matter.

Councilmember Lappert stated he visited the area and did not support the curb painting, noting that the nature of the Town is such that there are not boulevards and people simply move out of the way when another vehicle is approaching. Additionally, since the Council is talking about increasing its housing stock and junior second units, he thinks there should

1 be the ability for people to park their vehicles and there is no reason why the west side
2 should be striped all red. He suggested possibly staggering the parking while still creating
3 ample parking.

4
5 MOTION: Moved by Condon, seconded by Andrews, and approved unanimously by the
6 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
7 None).

8
9 To continue the matter and direct staff to return with additional information
10 as outlined in the record

11
12 7.III Consideration, Discussion and Possible Direction to Staff Regarding
13 Encroachments on Railroad Right of Way Between Willow Avenue and
14 Montecito Avenue

15 (Report from David Bracken, Town Manager)

16
17 Town Manager Bracken stated the matter involves an encroachment permit along the
18 backyards of Willow Avenue and Montecito Avenue between the properties that the Town
19 executed a quit claim of a railroad right-of-way from Marin County and he briefly explained
20 the quit claim process which released any claim Marin County on the property.

21
22 The Town acquired the land from the County in 2006 which is approximately 100 feet wide
23 and at that time there were encroachments from the properties along Willow Avenue into
24 this right-of-way. Normally, the Town issues encroachment permits through its Municipal
25 Code for anyone developing when they touch a right-of-way. He attached a sample to the
26 staff report on Chapman Avenue which the Town issued recently.

27
28 As background, several years ago the Town needed more stringent wording on its
29 encroachment permits for permanent and semi-permanent retaining walls, parking
30 structures and also fences. Because of this, the Town issues a license agreement which was
31 drafted by the previous Town Attorney and it gets recorded, goes with the land, and it
32 eliminates any liability the Town would have where the encroachment occurs, and it
33 requires insurance and it definitely allows the Town to remove the encroachment at any
34 time in cases where the Town wishes to return the property back to its original state.

35
36 Last May a homeowner built a fence along Willow Avenue without permits and the Town
37 instructed the homeowner to obtain a permit which became contentious. He held
38 conversations with the Planning Commission about it and several individuals, and in
39 August Mr. Conti contacted him about his request to install a fence in his backyard and line
40 it up with the two fences on either side, which encroaches 13 or 14 feet on one side and
41 along the property's corner on the opposite side. He indicated to Mr. Conti that he could not
42 grant the permit and wanted to get direction from the Town Council.

43

1 Mr. Bracken stated he noticed all homeowners along Willow Avenue of the meeting tonight
2 as well as those who spoke at the Planning Commission meeting about it and he displayed
3 the MarinMap aerial map.

4
5 Councilmember Lappert asked if this area was similar to the situation near the Sandra
6 Marker Trail area where homes on Birch abut the trail near Redwood High School and are
7 getting closer and closer to the trail.

8
9 Councilmember Condon provided an historical account, stating about 10 to 12 years ago
10 the County wanted to reclaim all of the property of the residents who had since fenced in
11 along Willow Avenue. At the time she walked the property with the former Town Manager
12 and the Marin County Director of Parks and Steve Kinsey.

13
14 The County owned that property along with Menke Park; however, the Town had been
15 performing all of the maintenance and the matter was brought back to the Board of
16 Supervisors. The County quit claimed the property to the Town so the Town would gain
17 ownership of Menke Park and the right-of-way up to the bollards before getting to the
18 opening of Alto Tunnel. The intent was to save the homeowners on Willow Avenue from
19 losing a good portion of their backyards, but this is as far as it went. There was never any
20 agreement made between the owners of the property next to the right-of-way to either rent
21 the property from the Town or purchase the property but nothing occurred and this is how
22 the Town acquired Menke Park.

23
24 Mr. Bracken displayed the MarinMap aerial photo showing the south end of Willow Avenue
25 and north end of Tunnel Lane. He pointed to the area the Town acquired which is a portion
26 of the path from Menke Park down, and the County owns the railroad right-of-way south of
27 that. In the quit claim deed, the County retained a 20 foot easement down the middle for
28 future pedestrian use.

29
30 He then pointed to the edge of the right-of-way, the property line where the cited fence is
31 encroaching into the right-of-way and the series of homes and structures with fences which
32 are encroaching into the right-of-way. The Council could direct him to move all of the
33 properties' encroachments and noted it would be very easy for this to be done for the home
34 with the one license agreement. But, he would advise the Town to obtain legal counsel
35 prior to doing this.

36
37 He then discussed the variety of fences and structures encroaching into the right-of-way
38 and restated the request by Mr. Conti to extend a fence on the north end of his property's
39 corner and an about a 13-foot encroachment on the other end to connect to the two fences
40 on the other sides of him.

41
42 Mr. Bracken apologized for having to bring the matter to the Town Council, stating that
43 since the 1980's he has tried to make everybody happy; however, at this time he was

1 having trouble. He did not like what the Town went through in May and feels Mr. Conti
2 should not be banned from having a fence while everybody else has a fence. He likes the
3 license agreement process because it does legally let the Town remove encroachment(s) at
4 any time and stated he would like to hear from the public and receive direction from
5 Councilmembers.

6
7 Vice Mayor Furst referred to the Conti survey in the Council packet and noted it indicates
8 that the southwest corner of the fence would encroach 13 feet and meet up with the
9 neighbor's fence which is also encroaching 13 feet. She asked if the Town has a sense of the
10 number of feet the various properties are encroaching, noting that some are small and
11 others larger.

12
13 Mr. Bracken said he was not sure of the exact amount, but he would review MarinMap,
14 review the west edge of the right-of-way which is to the edge of pavement of Montecito and
15 would need to manually measure the area.

16
17 Vice Mayor Furst stated Councilmember Condon spoke regarding the process of acquiring
18 this property from the County. She asked if several of these encroachments along the
19 stretch of Willow Avenue pre-dated the time Corte Madera acquired the properties.

20
21 Mr. Bracken stated that a vast majority pre-date this time. Prior to acquiring the properties
22 the Town had many issues with Marin County relating to maintenance responsibilities.

23
24 Mayor Bailey opened the public comment period.

25
26 Public Comments:

27
28 DAVID MACPHERSON, Corte Madera Avenue, Vice Chair of BPAC and member of Safe
29 Routes to Schools for the Cove School, said Corte Madera is fortunate to have Mr. Bracken
30 agreeing to stay on and the importance of bringing this matter before the Town Council. He
31 said this is not a driveway easement, a mailbox or retaining wall easement where the Town
32 receives something back in return. The pathway from Menke Park to the north portal of the
33 Alto Tunnel is an incredible public asset. It is park-like in nature and the people who live
34 along it are constantly talking about its idyllic nature for walking and they do not want
35 more public to use it because they would be able to see them using it from their backyards.

36
37 He stated there is an internal contradiction where people over the years since the railroad
38 ceased operations have pushed their backyards out and now there is an expectation that
39 the public property is now their property, and there will always be push-back when taking
40 back that public property. He would therefore strongly encourage the Town to not grant
41 Mr. Conti's request for a legal encroachment even with the provision that the Town can
42 take it back at any time.

43

1 He also asked that the Council review rescinding the encroachment for 240 Willow Avenue
2 which was not properly granted and all of the 17 encroaching properties along Willow
3 Avenue, and property owners be put on notice that they cannot build into the public's
4 property and not expect that the public will take it back. Lastly, he said this stretch is the
5 last remaining gap for the North/South Greenway that would run from Sausalito to
6 Cloverdale so there has always been work to open the Alto Tunnel so that a flat, safe and
7 direct path can be realized instead of the 2-mile detour down Tamalpais Drive and over
8 Horse Hill. He stated 16 years ago the Town Council took a position that they supported the
9 feasibility study of re-opening the Alto Tunnel and he did not think the Town Council could
10 do this while simultaneously grant private property owners encroachment into that public
11 path.

12
13 PHYLLIS METCALFE, Parkview Circle, said as a resident of the Town she said there are two
14 clauses in the license agreement as written which can be detrimental to the Town. She
15 referred to clause 5; Indemnification and Hold Harmless, and said often times hold
16 harmless agreements do not hold up in court and she said the Town should be added as an
17 additional insured in respects to the parameters shown in Exhibit A.

18
19 Secondly, the description of the needed insurance in clause 6 is miswritten as to its intent.
20 It states, "\$1 million combined single limit." The policy attached shows the amount for the
21 property at 241 Willow Avenue and then it shows liability or CGL or Comprehensive
22 General Liability at \$300,000. This is what covers damages done to other people's property.
23 Property damage on this type of policy or a homeowners' policy covers only the owner's
24 property. If a tree falls on one's property, this is what is covered under property damage. If
25 the tree falls and knocks over the neighbor's fence and shed, this goes under the CGL
26 coverage which covers bodily injury and property damages. Therefore, the policy limits
27 which Mr. Hague has at 241 Willow Avenue should be raised to \$1 million as soon as
28 possible and the Town should be added as an additional insured under the policy in
29 respects to that parcel.

30
31 Regarding backyard encroachments, most permits are issued for a semi-public purpose like
32 driveways, carports and other structures. The existing fenced off background
33 encroachments along the railroad right-of-way have no semi-public purpose, do not
34 enhance the public's benefit in any way and are for the exclusive use of the property owner,
35 and this could be perceived as a gift of public funds. Allowing property owners adjacent to
36 the railroad right-of-way to fence off public property to increase the usable size of their
37 backyards could lead to other owners wanting to do this throughout the Town. Both the
38 County resolution giving the quit claim deed and the acceptance resolution of the Town
39 make mention that the Town would continue the present use of the property and in the
40 future maintain the property for recreational purposes, uses of park, bicycle, equestrian
41 and pedestrian corridor. If the Town does not want to maintain the property, the Town
42 should determine the current value of the property and sell it to the individual property
43 owner who would then be responsible for its maintenance and additional property taxes.

1
2 GLENDA CORNING said she and her husband believe that access to the Alto Tunnel should
3 be maintained in a park-like setting and disagree that fences should be allowed to encroach
4 on public space. The fences that have been allowed make it feel like an alley which has been
5 a detriment to the pastoral beauty of the site. She said this is an area for public benefit and
6 should not be allowed to be possessed by private individuals. The encroachment allowed
7 by Mr. Bracken without public notice or comment was a mistake and she and her husband
8 believe it should be rescinded, and she asked that the Council rectify errors made and
9 protect this area as public parkland and potential access for the Alto Tunnel.

10
11 MICHAEL REX, Architect and one who advocates strongly for building Marin-wide multi-
12 model transportation systems so people have options other than driving. He asked that the
13 Council vigorously preserve the public right-of-way for public use, to take action to firmly
14 demonstrate the public's ownership of this right-of-way, and to allow no new
15 encroachments. He asked to retain the services of an attorney now to provide legal advice
16 on how to avoid possible prescriptive easements or claims for such easements and that any
17 known encroachments that have occurred in the last 5 years be notified immediately
18 through notice that the Town reserves the right to ask for the encroachment to cease and
19 the land back at any time, that the Town fund a survey for the entire length of the easement
20 which is essential to demonstrate the Town's ownership, and that those boundary lines be
21 staked with iron pipes and mapped, and that any encroachments that are identified by the
22 survey are given a notice that is revocable at will. Once the Town learns it exists and can
23 prove it, they have 5 years to put the property owners on notice. As properties change
24 hands, the existing encroachments should be removed. Where possible, he asked that the
25 Town put a grape stake rail or something along the property line and post it as public
26 property. If the Town does not prove ownership, it will be more difficult to dispute and
27 defend against prescriptive easements.

28
29 Mayor Bailey said as he understands it, the easement is 100 feet and that a Class I path for
30 bicycles and pedestrians can be done for 12 feet, and the County has already apportioned
31 20 feet. He asked if this was inadequate.

32
33 Mr. Rex stated this is inadequate and he said the Town needs to preserve its ownership of
34 the entire 100 feet and to the extent it is wider than the path, the Town can landscape it
35 and create buffers between the private properties so there is less negative impact for the
36 public's use on those private properties and less demand by the private owners to avoid
37 that conflict. He said the Town can always allow those encroachments but the Town can
38 never get them back if the Town does not survey them and put the property owners on
39 notice.

40
41 JOHN MURRAY said his family has lived at 239 Willow Avenue for 28 years and he and his
42 wife got married on the property and held their reception there. They are now retired and
43 he questioned where the issue is coming from. He has never had one person comment to

1 him about the back fence which has been in place for 50 years. He has documentation from
2 the prior owner who had conversations with the County.
3

4 He said Councilmember Condon was correct and said the only reason the Town took that
5 property is because the County did not want it. It was a quit claim deed and the County did
6 not know what percentage they owned and they only received a quit claim deed from the
7 railroad, and the other part of the property is owned by the Pixleys and it is not a clean
8 claim and never has been. This is why they could not sell it to him or anyone else that was
9 associated along the line. At the time, Corte Madera acquired it in part just because there
10 was a lot of encroachment up and down the line for decades. Therefore, it was not like
11 homeowners were trying to get away with something. He did not change anything from the
12 prior owner nor did that prior owner, and he asked where the matter is coming from,
13 stating this is not the Corte Madera he knows or would want to retire to, and he asked that
14 the Council stop what is being done.
15

16 ED CONTI stated he is the owner of 221 Willow Avenue and applicant for the
17 encroachment. He purchased the home a few months ago and his intent was to put up a
18 fence. He thinks he is the only property without a fence along the right-of-way and was not
19 even aware of the issue at the time and the neighbor suggested he speak with the Town
20 Manager. He learned about the issue and then applied for the encroachment permit.
21

22 He also has learned that even though the prior residents of his home lived in the home for
23 decades, they have used the back just like everybody else has. There are 3 trees planted, a
24 poorly done rock barrier but no fence. He said he is essentially asking for the ability to be
25 treated like everybody else and is not asking for anything different.
26

27 He respects everybody's opinions, supports opening the tunnel but he was a bit
28 disappointed in one of the documents submitted which he thought significantly
29 misrepresented what he was asking for. It is not a 15 foot encroachment or a 1,000 foot
30 land grab or an 8 foot high fence. It is a basic 6 foot high fence, some work on undulations
31 in the land, and at one corner he is matching the property line because it matches his
32 neighbor's fence on the north. On the other corner he is matching the neighbor's fence on
33 the south which the wedge is 13 feet.
34

35 He added that he thinks the fences and vegetation really add to the path which is serene,
36 private and quiet. When getting to his yard people can look right in his back window and it
37 is somewhat uncomfortable. He said no one has mentioned the safety issue, given the steep
38 slope. It slopes down and last night he was reminded that when an owner's dog was
39 defecating on his property, they had to come on his property to clean it up. He has seen
40 dogs and their owners come all the way down the slope before getting to Willow Avenue so
41 the fence is a good idea and he thinks it adds to the atmosphere. He also has a dog and
42 three children and needs a fence for those reasons and would like to be treated like
43 everybody else.

1
2 Councilmember Andrews said if Mr. Conti installs a fence on the path side of it, he asked if
3 he would be willing to install shrubbery. Mr. Conti said yes if he can he would and thinks
4 shrubbery, trees or bushes look wonderful which has been done by some of the neighbors.
5

6 ALAN BRIGHT said he lives at 8 Grove Avenue and was part of the trouble at the May
7 meeting with his wife, stating they are not in favor of the encroachment of the fence to
8 continue on. They know Mr. Murray and said they won a beautification award together for
9 beautifying the path. Mr. Murray has 2 fences and does have one that is 50 years old against
10 his house but he has another one that sits in the path about 15-20 feet that he built about
11 10-12 years ago.
12

13 Mr. Bright referred to surveys in the area and said BKF Civil Engineers prepared a survey
14 about one year ago that went all the way through the area and it shows all boundaries. He
15 stated the boundary is not 100 feet but more like 60 feet. Therefore, this is important to
16 note and the entire area has been measured and marked. The properties in question when
17 they returned to the Town in May when they indicated they were worried about 241
18 Willow Avenue, there were markers placed over 10 years ago on their site that were still
19 there when they began tearing the shrubbery down and put the fence posts up that he
20 noticed and asked why they were doing it. They indicated that his neighbor's fence was
21 way out and he said he wanted to join up with his neighbor's fence. He told him that it was
22 not his property and he asked him why he cared. The intent was to stop, follow the
23 property lines, and while he does not want to stop Mr. Conti from doing what he wants to
24 do, he has a property line like everything and he asked why his fence could not stay on his
25 property line like most people. He said the more the Town allows for this, it situation will
26 permeate and people will take publicly owned land.
27

28 NICK JAVARIS said he lives at 315 Willow Avenue cited Joe Biden's comment, "It seems like
29 a lot of malarkey" and asked how the area would remain pastoral with 3,500 bicycles a day
30 coming through the area. Secondly, he asked if the Council realizes there is a 3 ½ foot drop
31 that is useless from the path to the bottom of his fence. Down to his property line is another
32 1 ½ feet and then another 1 ½ feet which is 5 feet of drop. He said everyone recognizes that
33 at some point the Alto Tunnel might open and at that time the property can be given back.
34 The issue to him seems unfriendly, not neighborly and almost mischievous to suggest to
35 people that they obtain liability insurance. People are causing no problems along there and
36 there are not many more houses that could ever encroach on the property because they
37 have already encroached at the end of the property. He therefore suggested the matter be
38 dropped because it is not practical. The land is useless until such time as the path is
39 widened. The Town will have to raise the land and build retaining walls to keep the dirt out
40 of his property and he thinks the issue is nonsensical.
41

42 KEITH HAAG said he is the owner of 241 Willow Avenue and the person issued the license
43 agreement in May 2016. When he spoke to the Council during the open forum and pointed

1 out a couple of important issues he admitted at the time that he did not seek prior
2 approval. He simply thought there was a precedent that had been set at that time. After the
3 posts were put up he was stopped and sought the proper protocols to have the fence built.

4
5 One of the reasons he asked for the fence was due to safety. He would encourage anyone to
6 come to the property side of those fences and he has photos he could email the Council that
7 shows that from his fence to his retaining wall there is over a 4 foot width where there is
8 nearly a 6 foot drop in elevation. From that 6 foot drop there is an 8 ½ foot retaining wall.
9 There is some blackberry bramble in the back which kept some people out, but there were
10 giant holes and as his neighbor mentioned. Dogs come through that area and their owners
11 come through as well. He also experienced a situation where an elderly woman almost fell
12 off of his wall prior to the fence being built.

13
14 Therefore, there is some benefit to homeowners to build structures and, in his case, he
15 landscaped the area with plants. It is beautiful and he removed the troublesome blackberry
16 bramble, but thinks there have been enhancements to the Town's property which has
17 reduced liability. He also has a number of plants outside his fence. When walking along 241
18 Willow Avenue the Council will notice that it looks quite nice. He therefore hopes the
19 Council will allow them to continue to beautify the path along Willow Avenue.

20
21 JOE MEYLAN said he lives at 150 Willow Avenue and agrees with what Michael Rex said. He
22 thinks what is in the best interest of the Town should take precedent over a few individuals
23 who live along the area. While he can sympathize with their situation, it is in everybody's
24 best interest to address the property that belongs to the Town. He thinks when
25 homeowners purchase property they are given a deed and boundaries and they know
26 where their properties are. To think they get an extra 10-15 feet just because it is there is
27 wrong. The best interest of the Town should be to maintain that 60 feet as part of its
28 property. While there are variations in elevation and steep banks, he thinks the Town
29 should be able to maintain the path and once an exception is made for one person, it
30 continues. Therefore, he supported keeping the area encroachment-free.

31
32 JEFF VAUGHN said he lives at 235 Willow Avenue and between Ed Conti and Keith Haag. He
33 has a fence that encroaches and has lived at his home for 15 years. The fence was there
34 when he arrived in 2001 and he "connected the dots" with a more substantial fence, given
35 the previous fence seemed unsafe. He said he and his family really enjoy the right-of-way
36 and are there all the time. He installed some trees which were given to him by the Corte
37 Madera Beautification Committee which have grown. He also built a planter box which is
38 also outside of his fence and it was for everybody to enjoy.

39
40 He appreciates the dispute about who owns what and he thinks everybody would agree
41 that if there is a point in time when the tunnel is opened or reclaiming of land, he was not
42 sure people would react, but he does not see much maintenance there by the Town. The
43 things there are his trees, neighbors who planted some redwood trees, a woman who

1 grows pumpkins and corn and they are simply taking care of their little “zone” and think of
2 the area as everybody’s. There was never a point where neighbors were trying to land grab.
3 His property line is right up next to his house and when he bought the home, the fence
4 seemed like a logical place to be located within those lines. Lastly, he thinks the Town has
5 other things to do with its money than make the area look like the median on Tamalpais
6 Avenue and he thanked the Council.
7

8 PETER CHASE, Montecito Avenue, said he drives up and down the pathway every day and
9 he supports Mr. MacPherson and his efforts to promote the BPAC. Also, Ms. Metcalfe’s
10 comments about insurance are accurate from his experience in the construction business
11 and it is important that this be fixed. He does not think the Town is in the business of
12 granting property to people for their enjoyment and he might as well move his fence out 10
13 feet into the street and take some property. He said this is a piece of property that is a
14 potential jewel for the Town and the Town should not grant any further encroachments.
15 The process by which the Town might take land back could take some time.
16

17 He said he has personally seen the BKF survey which describes the property very
18 accurately. The railroad gave up the property a long time ago and it will take some time to
19 get it back. Therefore, he suggested the process begin to start acquiring the land back, take
20 the matter seriously, and with the talents of people like Nisha Patel the Town could design
21 the corridor to truly become a park-like setting instead of a dirt path with trees planted.
22 While he recognized there were improvements made by residents, it is the Town’s
23 property. The Town has inadvertently allowed a few encroachments over the years but he
24 asked to fix the problem which might take 10 years regardless of the Alto Tunnel.
25

26 Mayor Bailey allowed Mr. Murray to add another comment.
27

28 JOHN MURRAY of 239 Willow Avenue reiterated that he has photographs when he first
29 bought the property that there was a fence there 28 years ago and paperwork from the
30 prior owner that will date the fence back 40 years. While it is not the same fence, there was
31 a fence there. Secondly, he planted dozens of plants on the hill on the other side of the path
32 for 20 years while he was living there, including irrigation. The Beautification Committee
33 gave him an award for that and a grant which he refused to take. Therefore, a number of
34 people were taking care of beautifying the entire area.
35

36 KIRK WALLACE said he lives at 310 Willow Avenue which is the other side of the street and
37 said he used to play on the property as a child and pick blackberries when the train tracks
38 went through the area and walk through the tunnel. It was never a park-like setting, but he
39 also walks his dog there regularly, regularly commutes into San Francisco by bicycle and
40 knows how dangerous Camino Alto and Chapman can be. The area is now in play in a much
41 greater way than it ever has before and not just for Corte Madera but for the entire
42 commute corridor and greenway. He thinks it is time to protect this land which has been
43 taken away bit by bit. He would like more property in his yard too but now that this has

1 become clear as a needed pathway, he thinks there will be repercussions as the freeways
2 are getting choked. He asked that the Council allow homeowners to build fences but on
3 their property. He knows there will be a fight because he is a lawyer and works for the
4 State of California and knows people are raising money for lawyers to stop the Alto Tunnel
5 already and will not give up easily. He asked that the Council not make it more difficult than
6 it already will be.
7

8 TYLER JOHNSON said he lives at 331 Willow Avenue and said he backs up right onto the
9 right-of-way He had their property surveyed a few years ago and did not think they had
10 anything specific to worry about encroachment-wise, but they do have an impact they bear
11 from having an off-leash dog walkway and people hanging out and talking. While it does
12 not bother him too much, over time if the tunnel opens, the impact will become substantial
13 and he supported the notion of beginning a study process now to install plantings or come
14 up with something that looks better and visually masks the path and protects people from
15 falling down on the rocks.
16

17 ANN SIMPSON said she lives at 8 Grove Avenue and stated her recollection on Mr. Murray's
18 fence is there may have been a fence there 50 years ago, but what she remembers is when
19 he planted beautiful roses in the public right-of-way and then he put in a temporary fence.
20 There was a day there were some redwood posts there and the County happened to be
21 there and wanted to stop the work. Mr. Murray asked if it could be open so people could
22 still enjoy the roses but then it got boarded up. She thinks it started to create a back alley
23 effect and it does encroach further than some of the other fences. She watched some of the
24 homeowners "connect the dots" and she agrees the issue is difficult that will take time. Her
25 issue is that she did not want to see more people granted additional encroachment permits.
26 As for Mr. Hague, if there were people and dogs going into his backyard, she was not sure
27 how they could get through all of the dense vegetation. Lastly, she prefers to see more
28 greenery and not as many fences.
29

30 JONATHAN SKOLNICK said he lives at 439 Montecito Avenue and was at the previous
31 meeting where a presentation was given showing the consequences or steps that led to the
32 most recent encroachment which was a powerful presentation showing the way the fence
33 was stepped up beyond their property line. It was clearly marked and how the vegetation
34 was obliterated and a beautiful tree was chopped in half. It was emotional to see how the
35 state of change occurred there.
36

37 He said it seems reasonable and fair to him to expect people to adhere to their property
38 lines and he can understand why someone would want to "connect the dots" and continue
39 on where somebody has been allowed to encroach but it seems like a bad thing to
40 perpetuate. The concept of giving public land to private ownership seems illogical and
41 strange and he asked that the Council not grant further encroachments.
42

43 He noted that someone asked where the matter was coming from and he said it is coming

1 from a point of view where you see things slowly being chipped away and to continue to
2 see the beautiful area slowly eroded is painful. The previous owner of his house who he
3 thinks was on the Town Council actually planted redwood trees across the street in the
4 public realm and he put irrigation under the road. He thinks it comes down to the question
5 of adhering to one's property line. If properties have slopes, this is what homeowners got
6 through their purchases and they should not expect to absorb the slope into their property.
7

8 BRAD OLDENBROOK said he lives at 323 Willow Avenue and said the Council has a tough
9 job. He thinks laws are passed because there must be order to some things. He condones
10 Mr. Bracken for bringing up the matter. On the agenda is approval or disapproval of 221
11 Willow Avenue and whether the easement is granted, but the Council has heard issues
12 relating to the Alto Tunnel, about making this a City-wide issue which it is not.
13 Encroachment is not an issue that is just granted for personal preference. There are private
14 encroachments on public lands throughout the entire Christmas Tree Hill, on Willow
15 Avenue on the front side as well and every single property on Willow Avenue from 241 all
16 the way down to Tamalpais has a 5 to 8 foot encroachment. He knows this because he
17 bought 241 Willow Avenue and he built the retaining wall in the back yard prior to current
18 owner.
19

20 One thing which is very important to this discussion is that when he built that retaining
21 wall, it was not because the property line or map said something, but it was because the
22 county came out in conjunction with the City in the early 2000's and they actually staked
23 with brown markers where the property lines were. He built the retaining wall 1 or 2 feet
24 before the established survey line, and the problem is that there is a mix dating back over
25 60 years that has confused where the actual property line exists.
26

27 When looking at the map, the line does not go right through the patio and before the
28 retaining wall. It was right up against it trying to maintain what was there. He commended
29 the Council for listening to comments and wanted to paint the perspective that it is a tough
30 position that the Town will grant someone access to public use. He thinks there is
31 something better where both sides could come together to beautify the trail and public
32 space.
33

34 Mayor Bailey said when the County came out to do the survey in the early 2000's before
35 they deeded it to Corte Madera, he asked Mr. Oldenbrook if the line with the markers was
36 consistent with the map the Council saw.
37

38 Mr. Oldenbrook said absolutely not and he said they are completely different by ± 10 feet.
39 He stated the yellow line was drawn right through the patio and then the rest of the patio
40 and retaining wall was outside.
41

42 Mayor Bailey said when the County installed the markers he asked which side were the
43 existing fences on in the early 2000's.

1
2 Mr. Oldenbrooke said the fences on the other side of the line were not marked because the
3 County did not go onto their properties.
4

5 JEAN SEVERINGHOUSE, Greenbrae Boardwalk, said she lives in unincorporated Marin
6 County who stands to appreciate this pastoral strip of land that will lead to the Alto Tunnel
7 which will be the safe way for many people to get to Mill Valley. She said she does not think
8 the Town should be granting any more encroachments into the public right-of-way
9 regardless of what the history has been. No one knows how the land will be used and she
10 did not think a report has even come out on the technical study on the tunnel yet, and she
11 asked the Council not to grant the extension but grant the ability to build a fence to Mr.
12 Conti. He has a nice back property line on his property and he could put vegetation in the
13 triangle.
14

15 MIKE GASPERS said he lives in San Anselmo and he urged the Council not to do anything to
16 jeopardize the future Alto Tunnel project especially when it comes to encroachments. He
17 rides his bike between San Anselmo and has family in Sausalito including an ailing step-
18 father and the Alto Tunnel hopefully when completed will be the only safe, non-motorized
19 route between Mill Valley and Corte Madera. It is a regional resource and the Alto Tunnel
20 corridor is a public transportation commons that should not be encroached upon. There
21 seems to be a dangerous trend all over the country and he hoped the Council takes this into
22 consideration.
23

24 Mayor Bailey allowed Mr. Javaris to make one final comment.
25

26 NICK JAVARIS said he thinks everybody agrees that people will give back property if the
27 Alto Tunnel is built which is not an issue and he asked that the Council deal with the new
28 encroachment.
29

30
31 Mayor Bailey closed public comment and returned discussion to the Council.
32

33 Councilmember Condon said it bothers her that this issue has created so much animosity
34 and it is sad. She knows at the time she thought saving some people's backyards was a good
35 deed and many people are here condemning that issue.
36

37 Separate from the item, it is important for the Town to spend time to discuss the properties
38 which are encroaching on public property. She received many emails that the Town is
39 gifting public property and asked the Town Attorney that if the property is Town-owned
40 was the Town exempt from prescriptive easement.
41

42 Town Attorney Riddle said there are many legal issues here tonight and thinks the matter
43 might be better communicated confidentially and as a legal opinion, given there are other

1 issues in terms of what the Town's legal interests are here.
2

3 Councilmember Condon said she recalled that walking along Willow Avenue, the drops and
4 fences started at were at the top of the slope and she does not remember the property
5 being usable or easy to maintain. The homeowners had taken it upon themselves to do this
6 consistent fencing but also landscaping around it. She thinks the Town needs to investigate
7 the entire matter and does not imagine any of the fences would impede the Alto Tunnel
8 being opened. She also thanked Ms. Metcalfe for her points about insurance and does not
9 believe the Town's intent was to give away public property in the past or now.

10
11 Councilmember Andrews said he would like to see a current survey of the path to
12 determine property ownerships. When the Town issues encroachment permits along that
13 path, he asked that staff be very clear in what it is authorizing and if the Town is
14 authorizing the construction of a fence, the Town is not also allowing homeowners to chop
15 down trees to put up the fence. He thinks the clearing off of the brush upset many people
16 and this brought up concern about the encroachments.

17
18 Lastly, if the Town does allow encroachments, people have suggested selling the public
19 property and he would be satisfied with some sort of in-kind rent whereby homeowners
20 put greenery on the path side of the fence.

21
22 Councilmember Lappert said his initial vote were to grant the applicant the ability to build
23 a fence. He also used to run through the tunnel when he was a child and knows why people
24 put up fences. He was not a big believer of government owning land given wildfires are
25 sometimes created if land is not maintained property. He said the land is brambly and ugly
26 and the only part that is nice is the part taken care of by homeowners that are here.

27
28 He said the bulk of those opposed relate to thoughts regarding the greenbelt, bike path and
29 tunnel so he tends to discount the encroachment a bit. If the tunnel is someday built and a
30 path goes through it will get done, but for now he wants to make sure the tunnel can be
31 propped up without having it cave in. Also, while he would like to have the tunnel open but
32 it is not a thoroughfare.

33
34 He has walked through the tunnel all of his life. It drops off precipitously and it is
35 dangerous and ugly. If someone wants to put up a fence he would allow it given there is an
36 agreement in place that the Town can take it back. He agrees with Michael Rex that the
37 Town needs to stake claim to the property, ensure that neighbors understand the Town
38 owns certain property and can take it back, and to notice homeowners so they understand
39 that at some point in the future fences and landscaping could be removed and replaced
40 with something else.

41
42 Vice Mayor Furst said she did not agree with Councilmember Lappert and believes the
43 public is being good stewards of land they do own. She thinks the Town needs to protect

1 this land for future generations, and at some time she thinks the Alto Tunnel will be open
2 and this will be a real jewel and park-like setting. At that time, the Town will need to
3 reclaim all or a significant portion of the areas that have been encroached upon. For these
4 reasons the Council needs to be very clear with all residents in the area about the Town's
5 intentions and other government agencies to use the land.
6

7 She thanked Ms. Metcalfe for her recommendations regarding insurance and thinks that the
8 Town should protect itself in terms of liability, and does not think it should give away
9 pieces of land for private use. She noted that the area is being used now and as much as she
10 would like to approve the encroachment for Mr. Conti because everybody has done this for
11 decades, there is the right to the public to also have public right and use of the land.
12

13 She also agrees with Councilmember Andrews about confirming the property lines through
14 work with the County, as surveying the entire length of the pathway would be costly.
15 Finally, she wanted to touch on the terrain. There is a slope, an uphill slope on the other
16 side and they do not know where the pathway will be.
17

18 Vice Mayor Furst added that she has worked quite a bit on the North/South Greenway in
19 the Greenbrae/Larkspur northeastern Corte Madera area behind Cost Plus. It is very
20 complicated trying to fit the pathway when there are certain things they are trying to work
21 around or habitat areas and cautioned people to not assume that a pathway could simply
22 go anywhere in the area.
23

24 Mayor Bailey said his first observation is there is common ground that there be a nice path
25 there for a variety of reasons. Secondly, the process is reasonable and thinks the debate
26 was civilized. He was not sure a final decision should be made tonight because at any public
27 forum there is clash between a public policy desire and an operational reality. There are big
28 picture issues about use of public lands, non-motorized travel and bike and pedestrian
29 pathways and these can divide people's perspective about the basic constitutional right to
30 someone's property and the use of public property.
31

32 The question is whether or not Mr. Conti can install a fence that encroaches into public
33 property and the debate should be limited as to whether the Alto Tunnel is a good thing or
34 a bad thing or whether people can do things with public property.
35

36 Regarding operational issues, he questioned if there were safety issues and said he was not
37 clear. He agrees the insurance issue should be reviewed as well as other good points. What
38 is being proposed is a temporary encroachment permit that can be revoked at will on 60
39 days' notice. He understands the adjoining property owner has a similar deal. He did not
40 know whether there has been an uncompensated use of public property under the
41 conditions where someone is temporarily allowed to improve it for the benefit of
42 themselves and/or the public with the condition that they must return it to the public when
43 asked. Therefore, he was reluctant to make a decision tonight. There are significant issues,

1 some of which are legal in nature.

2
3 However, it strikes him that the Town should be able to make specific decisions without
4 linking them to other larger decisions. He did not know why the Town could not
5 simultaneously preserve and protect the ability to have a Class I bike path through the
6 tunnel and still allow a relatively minor encroachment so Mr. Conti does not have dogs and
7 people coming into his yard. He thinks they could simultaneously clarify that the Town has
8 a right to that property forever, improve the landscaping in the area, protect for the future
9 that there could be a pathway there but they cannot preserve the fact that someone is
10 encroaching temporarily on public property. Therefore, the only decision he was prepared
11 tonight would be to ask for further factual and legal information from the Town Manager
12 and Town Attorney and he suggested returning the matter at a future meeting.

13
14 Councilmembers briefly discussed the cost of a survey for one property which Mr. Conti
15 indicated his survey cost \$5,000 to \$7,000.

16
17 Councilmember Andrews asked that the encroachment permit provide more detail as to
18 what exactly will be included in the encroachment. Mayor Bailey suggested working out an
19 arrangement whereby adjoining property owners agree that the pathway is there and in
20 exchange for not forcing them to take down their fences that they improve it, and he asked
21 how long the Alto Tunnel process might take.

22
23 Vice Mayor Furst stated the feasibility study has not been completed so they do not know
24 what the structural issues are; however, they are significant and there are homes above.
25 There is also the issue of funding.

26
27 MOTION: Moved by Lappert, seconded by Condon, and failed by the following vote: 2-3
28 (Ayes: Condon and Lappert; Noes: Andrews, Furst, and Bailey).

29
30 To allow the encroachment requested by Ed Conti at 221 Willow Avenue

31
32 MOTION: Moved by Furst, seconded by Bailey, and approved by the following vote: 4-1
33 (Ayes: Andrews, Condon, Furst and Bailey; Noes: Lappert).

34
35 To continue the matter to the next available meeting

36
37 7.IV Appointments to the Sales Tax Citizens Oversight Committee and the Flood
38 Control Board to Fill Vacant Seats
39 (Report from Rebecca Vaughn, Town Clerk)

40
41 Ms. Vaughn stated a vacancy exists on the Sales Tax Citizens Oversight Committee which
42 was vacated earlier this year when a member moved out of the jurisdiction, as well as a
43 vacancy on the Flood Control Board.

1
2 On September 13th the Subcommittee consisting of Mayor Bailey and Councilmember
3 Condon met with two applicants for the Sales Tax Citizens Oversight Committee. They
4 interviewed Deanne Morton and Nathan Blomgren. During the course of the interviews, Mr.
5 Bromgren identified skills he had which could serve as a tremendous asset to the Flood
6 Control Board, and he was asked and agreed to serve on the Flood Control District Board.
7 Deanne Morton was interviewed and very much interested in the Sales Tax Citizens
8 Oversight Committee.

9
10 After interviewing the two applicants, the Subcommittee recommended the appointment of
11 Ms. Morton to the Sales Tax Citizens Oversight Committee and Mr. Blomgren to the Flood
12 Control Board.

13
14 Mayor Bailey opened the public comment period and there were no speakers.

15
16 MOTION: Moved by Andrews, seconded by Condon, and approved unanimously by the
17 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
18 None).

19
20 To appoint Deanne Morton to the Sales Tax Citizens Oversight Committee
21 and Nathan Bromgren to the Flood Control Board to Fill Vacant Seats

22
23 7.V Consideration and Possible Action to Adopt Proposed Resolution 37/2016 in
24 Opposition to Proposition 53, Revenue Bonds, and Resolution 38/2016 in
25 Support of Proposition 54, California Legislature Transparency Act of 2016
26 as Recommended by the League of California Cities
27 (Report from Rebecca Vaughn, Town Clerk)

28
29 Mayor Bailey stated there are two propositions which the Town has been asked to take a
30 position on by the League of California Cities. As background, the League reviews
31 legislation and determine whether it intrudes on municipalities' ability to control their own
32 destiny. They consistently take a position that if an issue intrudes on local control, they are
33 against it.

34
35 The League is asking the Town to take a stand on two propositions on the current ballot.
36 This was discussed a bit at the Legislative Committee who would like him to submit the
37 recommendation to the League and he wanted to bring this to the Town Council. He
38 supported the recommendations of the League and asked for comments.

39
40 Mayor Bailey opened the public comment period.

41
42 PHYLLIS METCALFE stated Proposition 54 is even more important than local control. At
43 the end of the legislative sessions, many bills get gutted at the last minute, take the number,

1 assign it to a new topic and vote on it immediately. This problem has gone on in the
2 legislature for a long time and it is very important that the Town do everything it can to put
3 an end to this practice. She said Proposition 53 has to do with local control and she thinks it
4 is important for the Council to oppose Proposition 53, support Proposition 54 and vote that
5 way at the ballot box.

6
7 Councilmembers voiced their support for the proposed recommendations to adopt
8 Resolutions 37/2016 and 38/2016.

9
10 MOTION: Moved by Condon, seconded by Furst, and approved unanimously by the
11 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
12 None).

13
14 To Adopt Proposed Resolution 37/2016 in Opposition to Proposition 53,
15 Revenue Bonds, and Resolution 38/2016 in Support of Proposition 54,
16 California Legislature Transparency Act of 2016 as Recommended by the
17 League of California Cities

18
19 7.V Review of Draft October 4, 2016 Town Council Agenda

20
21 Mayor Bailey asked and confirmed that the fees relating to the filming ordinance were
22 amended and the Council had no further comments.

23
24 Mayor Bailey opened the public comment period.

25
26 FRANK VILLAREAL repeated his previous request for an item to be agendized at the
27 October 4th meeting regarding infrastructure and roads in the Marina Village
28 neighborhood.

29
30 Ms. Vaughn stated the public hearing process allows for a prescribed amount of time for
31 each pro and con side as well as noticing requirements, and the issue regarding the
32 encroachments may also be brought back as a Business Item which could also take an hour.
33 However, the Council could always add it to the agenda and then continue it.

34
35 Vice Mayor Furst suggested Mr. Villareal first discuss the matter with Town staff about
36 whether the work is on the pavement index and/or CIP and determine an approximate
37 time the matter will take at a Council meeting. Mayor Bailey concurred and suggested the
38 matter not be agendized during a meeting where there are multiple public hearing and
39 business items.

40
41 7.VI Approval of Minutes of September 6, 2016 Town Council Meeting

42
43 MOTION: Moved by Furst, seconded by Condon, and approved unanimously by the

1 following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes:
2 None).

3
4 To Approve Minutes of September 6, 2016 Town Council Meeting, as
5 submitted

6
7 **8. ADJOURNMENT**

8
9 The meeting was adjourned at 11:05 p.m. to the next regular Town Council meeting on
10 October 4, 2016 at Town Hall Council Chambers.